



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Thursday, 30 March 2006.

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DÁIL ÉIREANN

Déardaoin, 30 Márta 2006.
Thursday, 30 March 2006.

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 31.

An Leas-Cheann Comhairle: Before coming to the Order of Business, I propose to deal with several notices raised under Standing Order 31. I call on the Deputies in the order in which they submitted their notices to my office.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the report by IBEC which highlights the economic difficulties that will arise as a result of the agreement with the US Government to cease the dual gateway transatlantic air transport arrangement and the urgent need to put in place an immediate programme to offset the probable economic difficulties that will arise from that decision.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need for the Minister for Communications, Marine and Natural Resources to immediately cancel the cut-backs, amounting to €750,000, notified to regional fisheries boards last Monday week — €62,000 in the case of the Southern Regional Fisheries Board — and to instead properly fund the various fisheries boards which are already running on shoestring budgets and to ask the Minister to make a statement on the matter.

Ms Burton: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the serious situation facing hundreds of families in Dublin 15 whose junior infant children have been refused a primary school place for next September and the need for the Minister for Education and Science to take urgent steps to ensure that places are available for all children when the new school year begins.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter

of national importance, namely, the need for the Ministers for Transport and Defence to carefully study and comment on the submission by Weston Limited to the Irish Aviation Authority in respect of plans to turn Weston Aerodrome into a business airport for Dublin, in light of the fact that the company's proposals were made without consultation with local residents or, it appears, the local authorities in Kildare and south County Dublin, which would, obviously, have some input into the planning process.

Mr. O'Dowd: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the decision of the British Government to privatise the Sellafield nuclear reprocessing plant. This plant is vulnerable to a nuclear accident or terrorist attack which could have serious consequences for generations in Ireland and should, therefore, remain under direct British Government control and ownership.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the ongoing appointment of outside study groups regarding the hospital services in the north east despite the fact that similar reports in the past, such as the Bonner report, advised that at least €14 million should be spent on Monaghan General Hospital. In spite of this report and many others, the leaders of the health system have put more than half of the beds in Monaghan General Hospital out of service, thus adding to the crisis in the other hospitals in the region and being directly responsible for loss of life. The Dáil should decide that the millions being spent on reports would be better utilised building up the services.

Mr. Ferris: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the need to ensure that any future change affecting salmon drift net fishermen is carried out in consultation with those involved in the industry, that a non-compulsory buy-out provides adequate compensation and that adequate quota and fishing days are made available to those remaining in the industry.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the reason people's lives are being put at risk in west Mayo due to the continuing failure of Government to set up an ambulance base in the Achill, Mulranny and Ballycroy areas of County Mayo using minimum international recommended standards of ambulance availability, that of having an ambulance base available within 20 miles of any populated area.

An Leas-Cheann Comhairle: Having considered the matters raised, they are not in order under Standing Order 31.

Order of Business.

Minister for Finance (Mr. Cowen): It is proposed to take No. 15, statements on the Irish language; and No. 1, the Health (Repayment Scheme) Bill 2006 — Order for Second Stage and Second Stage, to be taken at 1.30 p.m. today. The order shall not resume thereafter. It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 15 shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. today and that statements by a Minister or Minister of State and the main spokespersons of Fine Gael, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case and the statements of every other Member called upon shall not exceed ten minutes in each case. Members may share time and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes.

An Leas-Cheann Comhairle: Is the proposal for dealing with No. 15 agreed? Agreed.

Mr. Bruton: I want to express sympathy on behalf of the Fine Gael Party to the families of those who died in the boating tragedy off Wexford.

I want to raise two matters on the Order of Business, the first being the matter raised earlier in the House by Deputy O'Dowd, which is that is that we find ourselves facing a major change in respect of Sellafield. The present legislation under the Freedom of Information Act—

An Leas-Cheann Comhairle: The question must be about promised legislation.

Mr. Bruton: My question is concerned with freedom of information. The position is that Deputies have been refused information on Sellafield by the Department on grounds of national security. We have issues of intimate concern to the security of our people about which Deputies are very concerned being denied under alleged freedom of information exemptions. There is also the situation whereby the Radiological Protection Institute of Ireland, RPII, is not subject to the Freedom of Information Act. Will the Minister make changes so that we may have a realistic and well-informed debate about the Sellafield issue? There have been major incidents there on which the reporting has been suspect. Deputies are entitled to know the information that is available to Government so that we may have an informed debate.

I also have a question on patient safety. The Minister for Health and Children declared an emergency in patient safety in accident and emergency departments the day before yesterday. I

want to ask about other patient safety matters, specifically in nursing homes in the light of the Leas Cross experience. In private nursing homes—

An Leas-Cheann Comhairle: The question must be about promised legislation.

Mr. Bruton: We were promised legislation three times in 2005 on the inspection of private nursing homes and that has failed to be delivered each time. Will the Minister say when we will see this legislation? We are increasingly reliant on these nursing homes. We have also learned today that a hospital has had its operations suspended. When will we see the medical practitioners Bill because there is increasing concern that there are now two hospitals where it was found that operations were being carried out in an unsatisfactory manner? We need reassurance based on a sound legislative framework to deal with this concern.

Mr. Cowen: The issue of investigation procedures for private nursing homes will be dealt with under the provisions of the health Bill, which is due this year. I understand the medical practitioners Bill is due later this year.

On the first issue raised by Deputy Bruton, the Minister for the Environment, Heritage and Local Government, Deputy Roche, has been in contact with his British counterpart on this matter. He has obviously reiterated the concerns raised in this House about any change in the status of Sellafield and is seeking to have it closed sooner rather than later. We hope that the difficulties being experienced with THORP will not be used as an excuse or given as a reason activities should continue at Sellafield longer than absolutely necessary. This is a long-standing matter, which has been pursued by successive Governments, using every possible political and legal channel available to us, to determine how that plant might be taken out of use as quickly as possible. Recent pronouncements on its future ownership simply heighten that concern and add to it.

Mr. Bruton: My question was about the House not being able to get information which is being denied under the Freedom of Information Act.

An Leas-Cheann Comhairle: That is not about promised legislation.

Mr. Bruton: It is because the Minister must by order change the freedom of information coverage, for example, as it pertains to the Radiological Protection Institute of Ireland.

Mr. Cowen: I am informed that if the Deputy or any of his spokespersons require a full briefing from the RPII on the up-to-date situation, it will be arranged.

Mr. Stagg: I also offer the sympathy of the Labour Party on the loss of life in the boating tragedy in Wexford.

I want to raise two matters that I believe are in order. One is about the proposed privatisation of the British nuclear industry, especially where Sellafield which is a junkyard for nuclear waste collected from all around the world. There is a residual waste content which must be dealt with there on an ongoing and practically eternal basis and which is a continuing threat to Irish people. The privatisation of that would remove from the Irish Government some of the levers it has in dealing with the British Government on this issue. We have been told a great many lies in the past, even by the British Government. If the industry is privatised, we shall have no say in the matter. Will the Minister impress on the Taoiseach the importance of this matter? In particular will he ask the Taoiseach to raise this specific matter and the concerns of the Oireachtas with the British Prime Minister when they meet in Armagh next Thursday?

I also want to ask about the report of the Barr tribunal on the Abbeylara shooting. I understand the report is ready and will be submitted shortly. There is no problem if it is submitted before Thursday of next week. After that date, there is some difficulty concerning the procedure for publishing it or for laying it before the Houses of the Oireachtas. I ask the Minister to ensure that someone might address that contingency so that as soon as the report is submitted, it is made available both to the Government and the Opposition.

Mr. Cowen: On the first matter, I can only reiterate the previous comments I addressed to Deputy Bruton about the concerns of the Government and the House. Unanimity has been articulated regularly in the House, through motions and in debates, on the question of Sellafield and the strong policy position of successive Governments on its being taken out of use as quickly as possible. I am not sure of the nature of the agenda for next Thursday's meeting between the Taoiseach and Prime Minister Blair. I am sure it is related to Northern Ireland and how that process might again be kick-started with a view to resuming talks to see the full institutional implementation of the Good Friday Agreement. Given the good relations between the two leaders, it may be taken that this is a matter which can be raised at that time.

On the second matter, I will ask our Chief Whip to inquire of the chairman of the tribunal when he might be able to arrange for the report's publication, as suggested.

Mr. Boyle: I, too, would like to raise two items and to be associated on behalf of the Green Party with the expressions of sympathy to the families of the victims of the Wexford boat tragedy.

On the imminent privatisation of Sellafield, as raised by previous speakers, will the Minister and the Government consider bringing a motion before the House that goes beyond the usual fulminations which appear to have no effect on the British Government's position on the future of Sellafield? Such a motion should ask that this House ceases to sanction on behalf of this country the Irish contribution to the EURATOM Treaty. This is a financial contribution that goes directly to the European nuclear industry and indirectly to the British nuclear industry. It is surely time to make a bold gesture to highlight our position on nuclear safety and show the Irish people that we are not willing merely to engage in idle rhetoric in terms of the risk Sellafield poses and will pose into the future.

The second area has implications for the medical practitioners Bill and the Government's policy on stem cell research. It relates to the media reports about multiple sclerosis sufferers in the Cork region who have been given stem cell therapy on an untested basis. I want to ask the Minister about the implications of this activity—

An Leas-Cheann Comhairle: The question must be about promised legislation.

Mr. Boyle: My question is based on specific areas, the implications for the medical practitioners Bill and the current status of Government consultations on stem cell research which appear to have hit an impasse after being open to the public a number of years ago. The situation which has transpired in the Cork area shows how vulnerable people who are suffering and are in pain are becoming victims on numerous levels because of Government inactivity in getting a solid policy position on stem cell research and because of the Government's failure to take action through legislation against those who falsely present themselves as valid medical practitioners. I invite the Minister for Finance to respond on behalf of the Government.

Mr. Cowen: I do not think it would be correct for the Government to resile from its treaty obligations under the EURATOM Treaty or any other treaty which has been incorporated into our basic law by successive referendums. The contribution we make to the EURATOM Treaty is not only as has been suggested by the Deputy, because the European Union has also been involved in making nuclear plants safer in recent accession states and in eastern Europe generally. Our contribution has been as much towards ensuring international safety standards are applied—

Mr. Boyle: We do not get that choice.

Mr. Cowen: —to plants which have required further re-investment and where this had not

[Mr. Cowen.]

been done. That is one of the issues that has been dealt with under the EURATOM Treaty.

The Minister for the Environment, Heritage and Local Government has spoken to three different Commissioners on the focus that will apply to the EURATOM Treaty in terms of trying to ensure that member states use its provisions for the purpose of upgrading plants, providing for the inspection of plants and ensuring that public safety issues get equal priority with the arguments made by those who advocate the development of the nuclear fuel industry.

Mr. Boyle: It is not having a big effect on the British Government.

Mr. Cowen: As the Deputy is aware, some countries within the European Union have historically been wedded to that technology as the source of their energy supply for many years. The matter is one on which there is a unanimous view in the House. It is open to the House at any time to decide what way it wishes to demonstrate that unanimity. Such debates have taken place and positions have been established in the House on previous occasions when the matter was up for discussion.

The question of stem cell therapy for treatment has arisen because of a story covered by the media this morning. Treatments based on stem cell research are at a very early and experimental stage and have not yet been licensed for use. The introduction of these treatments in future will depend on the evidence base for their effectiveness and safety. EU Directive 2004/23/EC, which sets standards of quality and safety for tissues and cells, will address this issue. The Tánaiste has appointed the Irish Medicines Board as the competent authority under the directive and it will have responsibility for ensuring that the specified standards under the directive are met.

Caoimhghín Ó Caoláin: I join the Minister and colleagues in an expression of sympathy to the families of those who tragically lost their lives off Hook Head yesterday.

Will the Minister join with me in welcoming the decision of the High Court yesterday which has significantly strengthened the enforceability of the Housing (Traveller Accommodation) Act 1998? The Minister may not be privy to the detail of it but the legislation has been significantly strengthened as a result of the High Court decision yesterday in terms of its enforceability. Is the Minister in a position to advise whether the Government is accepting the decision, which I hope will be the case, or, God forbid, contemplating appealing the decision of the High Court to the Supreme Court? I hope and commend to the Minister that this would not be done and that we would recognise that the decision yesterday is a very important step in terms of securing and strengthening the legislation in place.

Last evening a sub-committee of the Oireachtas Joint Committee on Justice, Equality Defence and Women's Rights produced the report on the murder of Seamus Ludlow. While the Ludlow family has understandably expressed its disappointment that it has not recommended a public inquiry, the report is nevertheless comprehensive. It is also damning of the failures of the inquiries into the murder at the time going back to the 1970s. Will the Government schedule a debate or an opportunity for statements in the House as a result of that report? It is very important, if the sub-committee's recommendation is to be taken up by Government, that we have the opportunity to air publicly and address the very important points the sub-committee has highlighted in its report, which I welcome, as there will not be a public dimension in terms of a full public inquiry.

Mr. Cowen: Regarding the first issue, on reading media reports this morning it would appear that a significant judgment was handed down by the High Court yesterday. As in the normal course of events, the significance of that judgment will be assessed based on advice from the Attorney General who will advise the Government and the responsible Minister what the policy implications will be for the future. We should await the consideration of that judgment, given its suggested significance before we can indicate with any accuracy what the policy implications might be for the future.

On the question of having a debate on the report into the murder of Seamus Ludlow, that is a matter which can be discussed between the Whips. If the House wishes to give that priority in terms of debate I am sure it can be accommodated.

Mr. Timmins: The Minister for Finance will be aware that the Irish Army camp in Liberia is aptly named Camp Clara. Will he join me in complimenting the role played by Irish troops in providing security for the arrest of Charles Taylor and wish them well in the days ahead in the job they have to do in Sierra Leone?

Mr. Durkan: Hear, hear.

Mr. Cowen: I confirm to the Deputy that there the similarities end.

Mr. Costello: I agree with Deputy Ó Caoláin that we should have an early debate on the report that has been produced by the sub-committee of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights on the murder of Seamus Ludlow so that we can get support for all the recommendations.

Four years ago a commitment was made in An Agreed Programme for Government to produce a defamation Bill for the media. This was promised each year since then and has been promised

again in this session. I understand the Bill is gathering dust in the Department of Justice, Equality and Law Reform. Many Bills and amendments are gathering dust in the Department. The reason it has not been published is that the Cabinet wants parallel privacy legislation to be published as well. When will the defamation Bill be published and will it be accompanied by a privacy Bill?

Mr. Cowen: Obviously I cannot anticipate the final outcome of continuing Government discussions on this matter but as soon as the Government makes a decision, we will bring it to the Deputy's attention in great detail. The only things that have been gathering dust in the Department of Justice, Equality and Law Reform are all the asylum files that were not handled during the Deputy's party's term in office.

Mr. Costello: A good few have also not been handled since then.

Mr. Naughten: When will the carbon fund Bill be brought before the House? Many Members would like to discuss the future development of our biofuel industry, especially those in the southern half of the country owing to the closure of the beet industry.

When will the commencement order be brought before the House to commence section 47 of the Irish Medicines Board (Miscellaneous Provisions) Bill, which amends section 54 of the 1947 Health Act, to allow for country of origin labelling within the food catering trade, especially in light of this morning's report on imported poultry?

Mr. Cowen: I will have to come back to the Deputy on when the section of the Irish Medicines Board (Miscellaneous Provisions) Bill will be commenced. I do not have the timing available to me this morning.

The carbon fuel Bill was a budget announcement and I understand the legislation underpinning that initiative will come forward later this year.

Mr. Howlin: As a Wexford Deputy I take the opportunity to associate myself with the vote of sympathy to the families bereaved by the fatality off the Wexford coast. It has been a horrendous two years in terms of maritime tragedies off Wexford and our thoughts go out to the families who are bereaved and to the rescue workers still involved in the recovery.

Yesterday in the Seanad the Minister of State, Deputy Killeen, indicated that an application had been received in the Department of Enterprise, Trade and Employment for refundable redundancy payments in respect of workers dislodged by Irish Ferries. The Taoiseach indicated that Government policy on this matter would be for the State

to resist funding for the displacement of Irish workers in this way. Will the Minister inform the House of Government policy on this matter?

Mr. Cowen: I am not aware of the developments referred to in the Seanad debate yesterday. Subject to that, the Deputy may take it that if the Taoiseach gave a commitment to the House on this matter, that will be the position.

Mr. Crawford: The Minister for Transport is today promoting the introduction of extra penalty points and this is an important development from the point of view of safety.

Mr. F. McGrath: I hope he gets a few.

Mr. Crawford: One of the problems faced by the Garda Síochána is the enforcement of fines. Gardaí must waste time going out around the country in an effort to collect the money that could be attached. Will the Minister agree that the enforcement of fines Bill should be regarded as urgent?

The Taoiseach seemed to be in some difficulties yesterday concerning the number of hospital beds available. The Tánaiste believes in private health care. The Minister has visited Monaghan General Hospital. Does he agree that more than half the beds have been shut in Monaghan General Hospital since he was there? A new theatre is lying idle. When will the health Bill come before the House to enable a full discussion on the direction of the health service?

Mr. Cowen: The Tánaiste will bring to the House a number of legislative proposals on the continuing implementation of necessary health reforms to try and improve our health service and build on the successes in certain service areas, despite the critical pressures that still exist, particularly in accident and emergency services and to which she is currently paying particular attention.

On the question of the provision of private beds in the hospital system, I am in favour of such an initiative. We should be open and recognise that the more we can use both the private and public sectors to work together to improve service delivery models in the health service, the better.

Mr. Crawford: Why are facilities being left idle?

Mr. Cowen: The increased investment from the private sector is part of the Tánaiste's plan to redesignate private beds in public hospitals to public beds in due course, thus increasing the bed capacity for public patients in public hospitals.

The initiative introduced by the former Minister, Mr. McCreevy, in one of his earlier budgets, allowed for 8,000 beds to be made available through the private nursing homes sector through the use of tax relief schemes—

Mr. Crawford: Leas Cross.

Mr. Cowen: I would hate to think where we would be now with regard to the care of the elderly if those beds had not been in place so quickly. This is a continuing Government priority.

I cannot give the Deputy a date for the introduction of the enforcement of fines Bill. The question of whether attachment of earnings orders might be considered as a better means of collecting fines as suggested by the Deputy could be better articulated in a question at Question Time.

Mr. J. Higgins: We know that the chief executive of Ryanair would like to take full control of all the airports in the State but was it not going a bit far to invade a British military airfield in Derry?

Mr. Durkan: There is a first time for everything.

Mr. J. Higgins: I suggest the Air Corps should be put on alert.

Will the Minister introduce a supplementary Estimate for emergency provision for the 200 children in Dublin West who were denied places in school in September? In the same week as further revelations of tens of thousands of euro in bribes to local politicians in Fingal, is it not clear that the children of west Dublin are the victims of this corruption as developers were allowed free rein to throw up thousands of houses—

An Leas-Cheann Comhairle: The Deputy should raise the matter in another way as it is not in order on the Order of Business.

Mr. J. Higgins: —making massive profits but without any provision for the children or the necessary public funding for the community? Is this not incredible? What emergency action will the Government take?

Mr. Cowen: I remind the Deputy and other Members of the House that the Government has set up tribunals of inquiry on planning matters in County Dublin and elsewhere. The Oireachtas should await the outcome of those proceedings and respect due process for everybody concerned regarding a whole range of allegations are being made—

Mr. F. McGrath: The Minister should tell that to Deputy McDowell and practice what he preaches.

Mr. Cowen: —by a number of people who have taken particular positions on this matter. It does not serve this House well when Members come in here to substitute as self-appointed chair-

men of such tribunals, making assertions that will be decided upon by the tribunal in due course.

Mr. J. Higgins: What about the victims?

Mr. Cowen: On the question raised under a Standing Order 31 request by the Deputy's constituency colleague, Deputy Burton, these are matters the Minister, Deputy Hanafin and the Department will deal with to ensure that children are found places for their primary schooling in the constituency and elsewhere. She has been remarkably successful in providing extra facilities. This Government has provided record funding and this will be reflected in finding a solution to the issue raised by the Deputy.

Mr. Broughan: I refer to the carbon credits Bill and the failure by the Government, particularly the Minister, Deputy Noel Dempsey, to do anything in the past nine years about renewable energy or biofuels. When will the Green Paper on energy be published?

Before Christmas and following a great deal of strife and difficulty, it appeared that the industrial relations problem in An Post was settled and that in return for work practice change, our postmen and postwomen were to receive their three-year old pay rises under Sustaining Progress. The Minister has probably been informed by his constituents that An Post workers have still not received those increases. Is the Government and the Minister minded to issue a directive to An Post on this matter as it is now a very profitable company?

Mr. Cowen: I would not suggest it is a very profitable company.

Mr. Broughan: It is profitable now.

Mr. Cowen: It is a company that is thankfully now beginning to work its way out of its difficulties.

Mr. Broughan: There was an agreement made.

Mr. Cowen: The current state of play regarding that long-standing matter between workers and management to do with the payment of wage increases under Sustaining Progress is a matter on which the Minister, Deputy Noel Dempsey, will inform the Deputy. I am not familiar with the current position as of this morning.

Mr. Broughan: What about the pensions?

Mr. Cowen: On the question about the Government's energy policy, the Minister is preparing a policy proposal for consideration by Government on energy requirements to 2020 and beyond. A considerable effort will be made to improve security of supply by the increased use of indigenous sources of energy where that can be arranged and where it is feasible and viable.

The recent budget contained initiatives on bio-fuels and alternative energy sources. Excise duty relief and grant aid have been provided in a way which merits support and consideration.

Mr. Durkan: The Deloitte and Touche report has been bought and paid for by the taxpayer and has not been published yet but is in the hands of a select few. As the single electricity market Bill is due for publication, is it intended to circulate the Deloitte & Touche report before the Bill is introduced to the House? When is the Bill likely to be before the House?

When will the broadcasting authority Bill which has been around for some considerable time, be circulated? What stage of preparation has it reached? Is it likely to emerge between now and the end of the current session?

Mr. Cowen: On the second matter, I am unsure whether the broadcasting authority Bill will arise during the current session but it is anticipated it will be published during the course of this year. The Deloitte & Touche report has been commissioned by the Minister in his effort to prepare a policy proposal. The report in itself does not constitute the energy policy and it may well contain some commercially sensitive information, given the subject matter under investigation. Therefore, I cannot give a commitment regarding its subsequent publication. It will certainly happen pending publication of the policy itself. It remains part of the deliberative process and it may not be feasible to publish thereafter, given the sensitive commercial information that may be supplied therein.

Ms Lynch: With regard to the health Bill, the national strategy on diabetes has been on the Minister for Health and Children's desk for a considerable time. There is a crisis at Cork University Hospital in respect of children with diabetes. The strategy would put in place the group of staff needed to deal with this situation. It will come under the health Bill. When will the Bill be published and will the strategy on diabetes be published shortly?

Mr. Cowen: The health Bill will be published this year. There will be many opportunities on Second Stage of a number of Bills for Members to bring to the Minister's attention their views on a range of matters in the health area, including the one to which the Deputy referred. I do not have specific information as to when the strategy on diabetes might be published. I will ask the Tánaiste to communicate with the Deputy. Some of the questions might be more appropriate to a parliamentary question.

Mr. Deenihan: During the debate on the Arbitration (International Commercial) Bill 1998, a commitment was given that section 5 of the Arbitration Act 1980 would be reviewed as under the

present legislation there is no recourse to the courts in the event of a party to an arbitration being dissatisfied with the arbitrator's decision. Is the Government preparing legislation, as promised, to correct this section?

Mr. Cowen: I will have to revert to the Deputy on this issue. I do not have that information.

Dr. Cowley: The Minister, Deputy Cowen, kindly told me that there was no plan for the disbursement of catch-up national development plan funds for the BMW region. I thank him for his honesty in stating that no plan is in place to allow the under spend to be addressed. I raised this matter one year ago and was given to understand that the Government would take action. In 1997, a group of Ministers from the west — the Minister, Deputy Ó Cuív, would know all about this — wanted to take an overview with regard to issues related to the under spend in the BMW area, which includes the Minister for Finance's area. From 2000 to 2005 spending was only 74% of what it should have been.

Does the Minister agree that the lack of a plan shows a total lack of commitment on the part of the Government to address the serious issues of the under development of the BMW region, the lack of balanced regional development and the fact that half the graduates of the area must go to Dublin to get their first job? There should be a plan. This group of Ministers should be reactivated. Why is there no plan?

An Leas-Cheann Comhairle: The Minister should reply on promised legislation.

Mr. Cowen: No legislation is required. There is a plan. One cannot spend money or draw down EU funding unless one has a framework.

Dr. Cowley: There is no plan for the west. It is in black and white in the Minister's reply.

Mr. Cowen: I know that. I have noted local newspaper coverage of the misrepresentation of some of the replies I have given on this matter in the Deputy's part of the country, not only from the Deputy but from other Deputies.

We have a national plan for 2000 to 2006. The funding is being rolled out. While the plan runs to the end of 2006, the impact of some of the funding will be evident beyond 2006. We are preparing a national development plan for 2007 to 2013. The level of investment in all parts of the BMW region is unprecedented. Whether the major infrastructural projects commenced in the first instance in the southern and eastern regions, for example, the tunnel project, they benefited all parts of the country, although they happen to be located in a particular region. To suggest that we should get involved in some type of geographical apartheid in regard to the disbursement of funds is a flawed approach.

Dr. Cowley: There is geographical apartheid. That is the problem.

An Leas-Cheann Comhairle: Allow the Minister to reply.

Mr. Cowen: In the roll-out beyond 2006 and in the next national development plan, we will see continued and unprecedented investment in all of the regions. Regional development will be a central objective of future national development plans which will be prepared by my Department.

Ms O'Sullivan: Yesterday on the Order of Business, in the context of the register of persons considered unsafe to work with children Bill, the Taoiseach told me that the State Claims Agency would treat sympathetically the issue of the €500,000 legal costs of Ms Louise O'Keeffe. This is welcome as far as it goes but Ms O'Keeffe is still extremely worried that she could lose her house. Will the Minister be more specific and clarify the instructions that the State, in the form of the Department of Education and Science, is giving the State Claims Agency in this regard?

An Leas-Cheann Comhairle: Strictly speaking, it is not a matter for the Order of Business.

Mr. Cowen: One cannot be more specific than the spokesperson from the State Claims Agency was in media interviews yesterday and the previous day. We have given authority to the State Claims Agency to defend the State's interest in regard to claims brought against the State. Obviously, one has sympathy for the personal circumstances of the individual concerned in this matter. The issue was dealt with in court and a decision was made. The question of whether costs will be pursued against the defendant is one which the spokesperson from the State Claims Agency explained clearly and in detail. He stated that the agency would discuss the matter with the people with whom it discusses these matters in the normal course of events, and that it will take into account the personal circumstances of the individual concerned, as it would in every other case, and make a decision arising from that which is just and fair in all circumstances.

An Leas-Cheann Comhairle: I call Deputy Shortall to be followed by Deputy O'Dowd.

Ms O'Sullivan: The agency said it would speak to the principal, which is the Department of Education and Science. Ms O'Keeffe is concerned to ensure that the direction the State Claims Agency will be given will be in her favour.

Mr. Cowen: All I can say is that the matter will be dealt with between the State Claims Agency and the Department of Education and Science, as set out by the official concerned on the basis that he articulated. He put the position in a fair and

open way. Let us wait to find what the consideration of the facts is on the basis of——

An Leas-Cheann Comhairle: I call Deputy Shortall.

Ms Shortall: Two developments are under way with regard to the future of Aer Lingus. First, the Joint Committee on Transport is about to begin public hearings to allow parties to express their views on the potential implications of the sale of Aer Lingus and to allow for analysis of that process, which has yet to take place. Second, the Minister for Transport recently instructed management to engage intensively with the unions to discuss the implications for jobs and job security. Does the Minister accept it would be entirely wrong to pre-empt these two processes by taking a Cabinet decision on the future ownership of Aer Lingus prior to the two processes reaching a conclusion? Will the Government undertake to allow the two processes to continue to a conclusion before the Cabinet decides on the matter?

An Leas-Cheann Comhairle: The Minister should reply on promised legislation.

Mr. Cowen: The Cabinet will make its decisions in due course based on its consideration of the best time to proceed with a decision that would have important implications for the company. I am glad to note discussions are taking place with the Government, which obviously must reserve to itself the timing and content of any decisions it wishes to take, given that it is a matter of considerable importance to the company.

We have approached and seek to approach the matter in a spirit of partnership. However, we also approach it on the basis of ensuring that the window of opportunity that exists is not allowed to close, that the full value of any shareholding that is put on the market is attained and that we take the advice of our professional advisers. While I welcome the fact that people are engaging constructively on this matter the Government must reserve to itself the right to take a decision in its own time.

Residential Tenancies (Amendment) Bill 2006: First Stage.

Mr. O'Dowd: I move:

That leave be granted to introduce a Bill entitled an Act to enable the Private Residential Tenancies Board to regulate the relationship between the owners of apartments and management agents, and for that purpose to amend the Residential Tenancies Act 2004.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Mr. Kitt): No.

Question put and agreed to.

An Leas-Cheann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Mr. O'Dowd: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Order of Business (Resumed).

Mr. O'Dowd: I wish to raise two issues. One relates to the offer from the Minister for the Environment, Heritage, and Local Government, through the Minister for Finance, to have a full briefing on the issue of Sellafield, which I welcome. I ask that such a briefing include the significant details of the information given to the Irish Government on foot of the last serious incident in Sellafield. The information that was given to the Government, or certainly the information that was in the public domain, was misleading. I am deeply concerned about that. As an Opposition spokesperson, I would like to examine fully the complete response of the Government and the RPII to the information that was given.

Second, the circulars regarding the Irish language issued by the Minister for Finance are not being adhered to by other Departments. Does he have a system of accountability in his Department to ensure that other Departments adhere to the circulars, regardless of their contents? Is he satisfied that he should issue such circulars or should he amend them if they are not being adhered to by Departments such as the Department of Education and Science?

Mr. Cowen: On the first matter, I indicated that a briefing from the RPII could be made available for Opposition spokespersons on this matter if they so wish. Clearly, if there are briefings beyond that or information is sought by the Deputy, I am sure direct contact with the Minister will result in his making whatever arrangements he can to provide all the information he can in order that everyone is up to speed on the current position.

On the second matter, the Irish language criterion comes into play in promotions and inter-departmental competitions but different arrangements apply for internal promotions depending on the Department concerned. I have asked the principal officer in the department of public service under my aegis to engage in a consultative process with his respective colleagues in all Departments to assess what is the current position, report to me thereon and then I will see what, if anything, I should do at that stage.

An Leas-Cheann Comhairle: We will now move on to No. 15.

Mr. O'Dowd: On a point of clarification, is it not a fact that Seán Ó Cuirreáin the Coimisinéir Teanga has made a report outlining the fact—

An Leas-Cheann Comhairle: The Deputy cannot discuss that matter now. I have called No. 15.

Mr. O'Dowd: —that the recommendations are not being adhered to and are being ignored?

Mr. Cowen: The Deputy can take up that matter again.

Irish Language: Statements.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá áthas orm go bhfuil deis agam páirt a glacadh sa díospóireacht tábhachtach seo. Caithfidh breathnú go fírinneach cá bhfuil ár dtrial ó thaobh na Gaeilge de. Tuigimid go bhfuil bá forleathan don Ghaeilge. Níl sé sin fíor i ngach chás, ach tá sé forleathan go maith. Ag an am céanna, bíonn dúshlán ag daoine a bhíonn ag iarraidh Gaeilge a labhairt go laethúil.

Nuair a bunaíodh fóram don Ghaeilge, bhí caint go réiteoidh plean 20 bliain. Ardaíodh an cheist an fiú plean 20 bliain a réitigh don Ghaeilge. Ag an am sin, deineadh scrúdú ar an cheist agus go m'fhéidir gur cheart tosnú le céard é bun-pholasaí agus an aidhm i leith na Gaeilge ó thaobh na Stáit agus é a leagan síos go soléir.

Mr. O'Shea: An bhfuil script ag an Aire?

Éamon Ó Cuív: No, tá notaí agam. Má táimid chun caint sa Teach le script, tá sé chomh maith againn script a chuir chuig na hoifigí agus gan teacht anseo. Tá sé beagán áiféiseach teacht anseo agus script a thabhairt do chuile dhuine, agus script a fháil ar ais. Más rud é gurb é sin an chaoi a bhfuil an Dáil chun feidhmiú is fearr dúinn an rud ar fad a chur ar an Idirlíon agus fanacht inár oifigí.

Mr. O'Shea: Níl script agat mar sin.

Éamon Ó Cuív: Nó, tá nótaí cainte agam. Ní fiú scripts. B'fhéidir ar cheist chasta dlí gur fiú script, focal ar fhocal, ach níl fhios agam faoin tseafóid atá ar bun anseo le fada — tá sé in am athchóru iomlána a dhéanamh ar fheidhmiú Tithe an Oireachtais. Níol fhios agam an i bParlaimint na Gearmáine gur féidir script a chur ar an Idirlíon agus dearmad a dhéanamh air. Níl aon mhaith ansin. Ba cheart an cheist a phlé.

Caithfidh oibriú amach céard atá romhainn, céard atáimid ag iarraidh a dhéanamh agus, ar an gcéad dul síos, an bhfuil tábhacht ag baint leis an Ghaeilge. Tá tábhacht ag baint leis an Ghaeilge mar tá tábhacht ag baint le chúrsaí cultúrtha.

[Éamon Ó Cuív.]

Muna greideann duine i gcultúr nó i luach na cultúra, is féidir argóint an-láidir a dhéanamh nach bhfuil tábh ná luach ar bith ag baint leis an Ghaeilge. Sílim gur fíor-bheagán daoine a deireann nach bhfuil tábhacht le luach na cultúrtha, le heolas ar a stair, le leanúnachas an phobail, le cultúr a bheadh á fhorbairt agus féiniúlacht agus daoine ag aithint rudaí.

I dtaobh na Gaeilge tá ceist eile ann freisin. Ní teanga domhanda í. Is í Éire an tír amháin ar domhan ina bhfuil an Gaeilge á labhairt. Má fhaigheann an Ghaeilge bás in Éirinn mar theanga pobail, bheadh sé básaithe mar theanga pobail ar fud an domhain. Mar sin, ní amháin gur luach cultúr tábhachtach í don tír seo, ach tarlaíonn gur againne, mar atá mar shampla Brú na Bóinne agus Caiseal, an teanga seo, an teanga is faide agus is sinne-líteartha san Eoraip, agus gur muid caomhnóirí oidhreacht domhanda. Ba mhaith liom é a fheiceáil sa geomhthéasc stairiúl mar go bhfuil fíor-thábhacht agus go mbeidh tábhacht níos mó ná riamh ag baint le féiniúlacht cultúrtha sa saoil nua atá amach romhainn. Tá sé sin le feiceáil ní amháin sa tír seo, ach i dtíortha eile. Tá tuiscint ag daoine anois go dteastaíonn ó dhaoine go mbeadh ceangal acu leis an áit arb as iad.

Nuair a bhunaíodh an Stát, is dóigh liom gur tuairim coitianta é go dtiocfadh an Ghaeilge in áit an Bhéarla. Bhí bríonglóid ag daoine go dtárlódh sé sin. Ní fheicim sin ar chur ar bith agus mar sin creidim go bhunúsach sa dá-theangachas. B'iontach an rud é trí nó ceithre theanga a bheith againn, ach sa tír seo, ba cheart go mbeadh sé mar sprioc againn an dátheangachas a chur chun cinn. Is é sin a rá, labhairt ar son na Gaeilge agus nach ionann é sin is a rá go mba cheart laghdú ar bith a dhéanamh ar an gcumas atá ag daoine ó thaobh an Bhéarla. Tá an Béarla thar a bheith úsáideach, go háirithe gurb í an teanga idirnáisiúnta is mó a úsáidtear i gcumarsáid domhanda. Tá sé soléir ón méid sin nach bhfuil aon duine ag iarraidh an Béarla a chur ar leataobh, ach gur eisceachtaí muidne a chreidimid gur stad nádúrtha gan a bheith ach teanga amháin ag daoine.

An fíis atá agam ná go mbeadh an oiread daoine agus is féidir sa tír seo dátheangach agus go bhféadfadh siad bheith ar a gcompord cuma teanga a bheidís ag caint. Tá an tuairim sin ag teacht go láidir leis an leagan amach atá sa mBunreacht. Deireann an Bunreacht gur bhfuil dhá theanga oifigiúil anseo, an Ghaeilge agus an Bhéarla.

Céard a bheadh praiticiúl le baint amach? An fheidhm a bheadh agamsa go náisiúnta ná go gcuirfeadh, ar an gcéad dul síos, le líon na ndaoine go bhfuil an Ghaeilge agus an Béarla acu. Tá sé sin ag fás de réir a chéile. Bliain i ndiaidh bliana, feicimid fás i líon na saoránaigh mar céatadán agus mar iomlán a bheadh in ann an dá theanga a labhairt. Ní bhainfeadh sé sin leo siúd amháin a raibh a sinsir as Éirinn; bhainfeadh

sé, fiú, leis na pobail nua atá tagtha isteach sa tír agus a bheas ag dul tríd an gcóras oideachais freisin. Is é an dara aidhm a bheadh agam ná go méadófaí líon na ngasúr a thógfaí le Gaeilge sa mbaile. Is é sin le rá go mbeadh níos mó teaghlach ann ina mbeadh an Ghaeilge mar ghnáth-theanga taobh istigh agus taobh amuigh den Ghaeltacht.

Ba mhaith liom béimiú go bhfeictear dom go mbaineann an Ghaeilge leis an tír iomlán. Mar sin, caithfear tábhacht na Gaeltachta a fheiceáil i gcomhthéacs na tíre iomláine agus ní mar cheantar ann féin a bhfuil tábhacht léi inti féin gan teagmháil aici leis an gcuid eile den tír. Ar ndóigh, tá tábhacht an-mhór leis an nGaeltacht, mar sin í an áit a labhraítear an teanga mar theanga pobail. Sin í an áit ar féidir na pobail a úsáideann an Ghaeilge i rith an lae a fháil. Ar an ábhar sin, tá fíorthábhacht leis an nGaeltacht, ní scoilte amach, mar a bheadh daoine áirithe á rá, ó lucht na Gaeilge ar fud na tíre, ach mar intinn nó mar thobar do lucht na Gaeilge agus mar phobal a bheadh ag fás inti féin agus a bheadh ag cothú pobal Gaeilge taobh amuigh den Ghaeltacht.

Go hiondúil, nuair a phléimid an cheist seo, cloisimid go leor daoine á rá go bhfuil sé iontach go bhfuil líon na ngaelscoileanna ag méadú, rud atá dearfach. Ba mhaith liom dhá rud a rá faoi sin. Tíocfaidh formhór na ngasúr a thiofcas as scoil sa tír seo ó scoileanna a bheas ag múineadh trí Bhéarla, agus mar sin, ní leithscéal ar bith é go bhfuil an Ghaeilge á múineadh go maith ar scoileanna lán-Ghaelacha agus gan bheith á múineadh go foirfe agus go cumasach sna scoileanna Béarla.

Ba mhaith liom an méid seo a rá i bhfabhar an Teachta Kenny. Dhúisigh sé díospóireacht, rud nach bhfuil fadhb ar bith agam leis, i dtaobh mhúineadh agus mhodhanna múinte na Gaeilge. B'fhéidir nach n-aontóinn leis ar dhá cheist, áfach. Is í an chéad cheist nach n-aontóinn leis fúithi ná go gcreidim go bunúsach go mba cheart go mbeadh an Ghaeilge agus an Béarla, mar theangacha oifigiúla — agus, go deimhin féin, an mhatamaitic — mar bhunábhair ag gach mac léinn scoile suas go dtí leibhéal na hardteiste. Ní bheinn i bhfabhar go n-éireodh daoine as Béarla a dhéanamh go dtí leibhéal na hardteiste ach oiread. Ba cheart go mbeadh an Ghaeilge ansin. Má tá fadhbanna le múineadh na Gaeilge, réiteoidh muid iad, ach ná bimis ag baint na bunchloiche den chórais oideachais go múintear dhá theanga oifigiúil sa tír agus bunrudaí ar nós na matamaitice do chuile ghasúr scoile muna bhfuil eisceacht faoi leith i gceist.

Is é an dara rud nach n-aontaím leis faoi ná gur eisceacht í an Ghaeilge ó thaobh an chumais atá ag an gcóras oideachais rud a bhuanú i gcloiginn gasúr. Is é sin le rá, níl sé féaráilte comparáid a dhéanamh idir cumas na ndaoine a chuaigh ar scoil agus a rinne Gaeilge ar feadh na mblianta agus an méid Fraincise nó teanga Eorpach eile a fhoghlamaíonn siad tar éis chúig bliana sna

meánscoileanna. Go deimhin féin, nuair a d'fhág mise an scoil, ní raibh mé agus ní bheinn in ann comhrá a dhéanamh as Laidin, Fraincis nó in aon cheann eile acu, ach bhí mé ábalta comhrá a dhéanamh i nGaeilge.

Mar sin de, dá mbeinn ag lochtú mhúineadh na dteangacha ar scoil — cé nach bhfuilim á dhéanamh sin — is mó i bhfad a chaithfinn ar mhúineadh na Fraincise agus na Laidine a lochtú ná ar mhúineadh na Gaeilge. D'éirigh leo, ní amháin i mo chás féin ach i gcás na ndaoine ar fad a bhí i mo rang, an cumas a mhúineadh an Ghaeilge a labhairt mar theanga.

Is í an fhadhb eile a bhí ag éirí faoin seanréimeas ná, nuair a chríochnódh daoine an scoil, chaillfidís an teagmháil leis an teanga. Is léir ó na figiúirí sa daonáireamh, má scrúdaítear iad, go mbíonn uasphointe thart ar 18 do dhaoine in aon aoisghrúpa a bhfuil Gaeilge acu. De réir mar a théann an aoisghrúpa sin in aois, titeann an figiúr sin. Ní mór dúinne é sin a scrúdú agus féachaint cén chaoi is féidir an acmhainn a thugann siad leo as scoil a úsáid, cé go bhfuil lochtach ar bhealaí. Tá plé macánta ar bun maidir le modhanna múinte agus teagaisc. Ag an am gcéanna, ce go bhfuil se lochtach, fós féin, is líonmhaire na daoine a deireann go bhfuil an dá theanga acu ag aois 18, 19 agus 20. Tá a fhios againn cad a tharlaíonn, áfach. Ní bhíonn aon bhaint ná ceangal acu leis an teanga, agus tarlaíonn an rud ceanna a tharla domsa leis an bhFraincis. Cibé Fraincis a bhí agam agus mé ag fágáil na scoile, níl blas ar bith fágtha agam anois, mar ní bhíonn aon teagmháil agam léi.

Sin an áit a bhfuil tábhacht faoi leith ag TG4. Bunaíodh TG4, agus tá creidiúint ag dul do go leor Airí as sin, an Teachta Mícheál D. Ó hUiginn ina measc. Nuair a bunaíodh TG4, don chéad uair, bhí glúin daoine ag fágáil na scoile a bhí gach seans acu bheith i dteagmháil leis an nGaeilge go laethúil ar bhealach nach raibh aon ghlúin rompu. Beidh sé spéisiúil a fhéiceáil nuair a thiocfas an chéad daonáireamh eile amach an mbeidh athrú ar an meath sin a bhí ag teacht ar eolas ar an nGaeilge de réir aoise mar go bhfuil daoine ag coinneáil i dteagmháil leis an nGaeilge agus go bhfuil deis acu é sin a dhéanamh ar bhealach taitneamhach sa seomra suite sa mbaile.

Taispeánann na figiúirí féachana go bhfuil an pobal i bhfad níos mó i dteagmháil leis an nGaeilge ná mar a bhí cheana. Má tá an ceart agam go bhfuil éirithe le daoine níos mó Gaeilge a choinneáil mar go bhfuil teagmháil acu leis an nGaeilge ar bhealach nach raibh ann roimhe seo, treisíonn sé sin na hargóintí go mba cheart cur leis na hacmhainní atá á gcaitheamh ar leithéidí nua-theicneolaíochta trí Ghaeilge agus na roghanna sin atá ann.

Rinne BCI suirbhé dúinn, agus tá a fhios againn go bhfuil go leor daoine a fheiceann, mar shampla, cluichí ar TG4 nó cláir fhaisnéise nó nuachta mar rogha ceart. Is é sin le rá, má tá 20 bealach teilifíse ag duine sa mbaile agus má tá clár a bhfuil an-spéis aige ann ar TG4 a

tharlaíonn a bheith i nGaeilge, ní hé nach bhfeiceann sé é nó go gceapann sé nár cheart dó breathnú air mar go bhfuil sé i nGaeilge. Déanann sé a rogha, agus ní hé cúrsaí teanga a chuireann ann nó as dó.

Ba mhaith liom díriú air chur chuige an Rialtais. Bhí daoine á rá nach bhfuil plean againn. B'fhéidir nach mbeadh plean scríofa againn, agus beimid ag díriú air sin amach anseo. Tá plean againn, áfach, agus tá an rud atá ar bun againn thar a bheith soiléir. Ar an gcéad dul síos, ó thaobh reachtaíochta de, tá sraith reachtaíochta bhunúsach tagtha i bhfeidhm faoi chúram an Rialtais seo a bhfuil gné láidir teanga ag baint léi. Is é an ceann is bunúsaí ar fad ná Acht na dTeangacha Oifigiúla. Den chéad uair ariamh, tá córas ionas go mbeidh daoine in ann seirbhísí trí Ghaeilge a aimsiú. Tá go leor plé déanta ar an Acht teanga, ach ar a laghad tá córas ann agus tá cearta ag an saoránach faoin gcóras.

Nuair a bhí plé ar bun sna meáin Bhéarla, go mórmhór faoin Acht teanga, is minic nach rabhadar in ann idirdhealú a dhéanamh idir an pointe an-tábhachtach a rinne an Breitheamh Hardiman sa gcúirt ó thaobh dhualgais an Stáit de agus cearta an tsaoránaigh. Go bunúsach, is é an argóint a bhí ag an mBreitheamh Hardiman, má thuigim i gceart í, ná go mbíonn——

An Ceann Comhairle: Tá an t-am caite.

Éamon Ó Cuív: Ba mhaith liom an pointe seo a chríochnú. Beidh mé ag éisteacht go cúramach lena mbeidh le rá ag na Teachtaí eile. Is dóigh liom go bhfuil cearta ag saoránach seirbhísí a fháil i dteanga oifigiúil an Stáit de réir an Achta. Má chuireann sé sin dua ar an Státchóras agus a bhfuil ag obair ann na cearta sin a chomhlíonadh, sin mar atá sé. Nuair a théimid ag obair sa tseirbhís phoiblí, agus nuair a thógann an Stát dualgas air féin, ní mór dúinn an dualgas sin a chomhlíonadh, is cuma cén dua a gcaithfimis a chur orainn féin.

Gabhaim buíochas leis an gCeann Comhairle as ucht an deis cainte a fháil. Beidh mé ag éisteacht go cúramach lena mbeidh le rá ag mo chomhghleacaithe. Tá súil agam gur díospóireacht oscailte a bheas ann agus go nochtófar tuairimí go fírinneach, go hiomlán agus go hoscailte. Éisteoimid leis, agus tá súil agam go mbeidh deis agam ag an deireadh díriú ar na ceisteanna agus freagraí a thabhairt orthu.

Mr. O'Dowd: Is díospóireacht é seo a bhíonn againn sa Teach go rialta, b'fhéidir uair amháin sa bhliain ar a laghad. Tá sé an-tábhachtach go mbeimis ag díriú ar labhairt na Ghaeilge agus na fadhbanna a bhaineann leis an Ghaeltacht agus le caint na Ghaeilge taobh amuigh den Ghaeltacht.

Má fhéachaimid ar na daonáirimh a tógadh ar feadh níos mó ná 100 bliain anuas, tá sé an-soiléir go bhfuil laghdú an-mhór tagtha ar imeall na Gaeltachta agus labhairt na Ghaeilge mar ghnáth-theanga sa Ghaeltacht. Tá na milliúin

[Mr. O'Dowd.]

euro caite ó bunaíodh an Stáit, ach go háirithe, chun an Ghaeilge a chuir chun cinn agus an Ghaeltacht a shárú agus a leathnú. Tá sé an-soiléir go bhfuil teipthe ar na polasaithe sin agus go bhfuil dáinséar an-mhór ann go gcaillfear an Ghaeltacht ar fad taobh istigh de 50 nó 100 bliain. Má fhéachaimid ar an daonáireamh a tógadh i 2002, tá sé an-soiléir go bhfuil laghdú tagtha ar an méid daoine sa Ghaeltacht a labhraíonn an Ghaeilge mar ghnáth-theanga. Tá sé fíor nach labhraítear an Ghaeilge ar chor ar bith i mbeagnach trian den Ghaeltacht. Caithfimid díriú ar sin freisin.

Dúirt mé leis an Aire cúpla bliain ó shin, nuair a bhí mé mar urlabhraí Fhine Gael ar an ábhar seo, gur chóir go mbeadh athrú déanta ar imill na Gaeltachta, go mórmhór i gcomhthéacs toghcháin Údarás na Gaeltachta. Dúirt me chomh maith nach raibh sé sásúil ar chor ar bith go raibh vótaí á thabhairt do dhaoine sa Ghaeltacht nach raibh ag labhairt an Ghaeilge i ndáiríre. Is rud bunúsach é sin. Tá sé soiléir go bhfuil teipthe ar na polasaithe.

Tá an-suim ag na Teachtaí ar an taobh seo den Teach, na Teachta Kenny agus McGinley go háirithe, sa Ghaeilge agus an Ghaeltacht a leathnú. Molaimid na rudaí maithe atá déanta ar son na Gaeilge. Táimid ag cuidiú leis an Aire ó thaobh an méid a dúirt sé faoi TG4. Tá TG4 antábachtach; tá sé ag déanamh an-jab ar fad don Ghaeltacht agus don Ghaeilge. Is dócha gurb é an rud is tábhachtaí ná go bhfuil daoine óga ar TG4 i gcónaí. Is stáisiún óg agus bríomhar é a bhfuil neart agus fuinneamh ann. Is rud amhaith é sin.

Molaim an obair atá déanta ag na heagraíochtaí Gaelacha, go mórmhór Conradh na Gaeilge. Ba mhaith liom beocht na heagraíochtaí éagsúla inniu a chuir i gcomparáid le 20 nó 30 bliain o shin. Níl aon dabht go bhfuil an Stát ag tabhairt i bhfad níos mó airgead dos na heagraíochtaí Gaelacha. The campaigning arm of the Irish language movement has become less lively. It is important that Irish language organisations are supported by the State but, to some extent, this support has sapped the campaigning strength of organisations.

I remember Cearta Sibhialta na Gaeltachta and the marches in Connemara and Dublin on behalf of Irish language ideas. The only march I have seen since then was the one in response to Deputy Kenny's famous speech on the Irish language. Bhí an-áthas orm ar an lá sin nuair a bhuaíl mé le 500 daltaí idir an Teach seo agus áras Fhine Gael leath-míle ón áit seo. Bhí mé ag caint le daoine óga bríomhara a bhfuil suim acu sa Ghaeilge agus sa díospóireacht. Bhí siad ar na sráideanna ag caint agus ag comhrá. Tá an bríomhaireacht sin imithe le fada an lá, ach caithfidh sé teacht thar n-ais sa díospóireacht seo má táimid chun na polasaithe a chur chun cinn. Muna bhfuil sé ann, ní bheidh an Ghaeilge ann. Is rud bunúsach é sin.

Níl mé ag gearán faoin airgead atá tugtha ag an Rialtas, ach tá mé a rá go bhfuil cuid mhaith daoine soporific — tá siad imithe ina godladh — mar go bhfuil go leor airgead ar fáil. Nuair a bhí mé mar bhall de ceardchumann, nuair nach raibh deductions at source ann, bhíodh troid ag gach cruinniú den cheardchumann. Deireadh daoine “Cad atá sibh ag déanamh faoi seo nó faoi siúd” ach ní raibh suim ag éinne sna polasaithe áirithe chomh luath is a tháinig deductions at source isteach. Téann an fuinneamh as nuair nach mbíonn an t-ocras ann. Without energy, there is nothing. People have to be hungry for change and ready to fight on the streets if that energy is to be restored. If we are ever to make progress in Irish, we must address those issues. Otherwise, the language will become sterile and rarely spoken and I do not want that to happen. The view of Fine Gael is that we must change fundamentally the way in which we deal with this issue and our education system lies at the heart of this task.

Through nobody's fault, the use of Irish is decreasing in the Gaeltacht. By comparing maps from the 1860s with those of today, it can be seen that the Gaeltacht has become smaller. However, the growth in gaelscoileanna is to be welcomed.

The reality is that our young people continue to leave school without a reasonable command of the language. Only three in every ten leaving certificate students of Irish attempt the honours paper. That ratio is much lower than is the case for any of the other languages taught to this level. Leaving certificate students perform better at French, even though it is studied for only five years compared with the 13 or 14 years spent on Irish. Each year, thousands of leaving certificate students avoid sitting the Irish exam and many others leave the exam hall as soon as regulations allow.

Taking account of the current situation, the Irish Language Commissioner's inaugural report called for a comprehensive and impartial review of every aspect of the learning and teaching of Irish in the education system. In the speech Deputy Kenny gave to a recent conference, Irish in the 21st century, he made important points on the language.

We must acknowledge that compulsion has failed as a political engine to revive the Irish language. It is a blunt tool and forcing students to take the Irish language option at leaving certificate level—

Éamon Ó Cuív: What about English? Is the Deputy in favour of requiring people to study English for the leaving certificate?

Mr. O'Dowd: English is used throughout the world.

Éamon Ó Cuív: Therefore, the Deputy has no problem with compulsory English.

Mr. O'Dowd: I have no problem with that. I must recognise reality.

Éamon Ó Cuív: Why not say that both official languages should be core subjects?

An Ceann Comhairle: Permit Deputy O'Dowd to speak.

Mr. O'Dowd: I am happy to debate this important issue. I accept that English is the language of commerce and trade throughout the world.

Éamon Ó Cuív: How is the Irish language hurt by making it a core subject?

An Ceann Comhairle: I ask the Minister to allow Deputy O'Dowd to speak without interruption, as his time to speak is limited.

Éamon Ó Cuív: Why not require both official languages as core subjects?

An Ceann Comhairle: The Minister will have an opportunity to reply later in the debate.

Mr. O'Dowd: That situation has obtained for many years.

Éamon Ó Cuív: It has not. We never had English as a core subject.

Mr. O'Dowd: I accept that the rules of the House must be applied but would be happy to debate this issue in another forum. Irish, English and mathematics have been compulsory subjects at leaving certificate level, but the reality is that Irish has suffered because people do not take it. Many young people in my constituency cannot read or write English, never mind Irish. People should want to study Irish, yet fewer students take Irish at senior level than any other language. Irish classes to leaving certificate level should be populated with students who would choose to learn Irish and are committed to the language. They should be in such classes because they want to be, not because they must be.

At primary level, the most constant trait for new and practising teachers is meant to be immersion in the Irish language. The reality, whether we like it or not, is that many teachers do not understand and cannot teach Irish, even in primary school. Not alone can these teachers not do that, at secondary level the textbooks do not exist for the subject. The issue of unavailable resources is significant. The reality of the debate must take priority.

We must use the best available modern technology and teaching methods for the Irish language and develop a specialist language support corps to help individual primary schools which are having problems. There must be reform at second level, and the curriculum must be loaded with topics that are modern, relevant and useful. This would be the precise opposite of the current

curriculum. A new syllabus and teaching method must be developed using the best available linguistic expertise. There should be an oral component at junior certificate level which should be introduced immediately. More emphasis should be put on the spoken word rather than the written word and the gramadach.

Textbooks and educational resources, particularly those which are computer and Internet related, must be significantly improved for all Irish and Gaeltacht schools. After the junior certificate, all students should have the choice of two Irish subjects. One would be a new subject focusing on communicating in Irish. Some 50% of the marks for this subject should be devoted to spoken Irish, with the remainder of the curriculum focusing on useful and applicable reading and writing tasks in Irish. The second Irish subject would focus on literature and heritage, and it would be aimed at those with a deeper knowledge and competence in the language.

Éamon Ó Cuív: Is the Deputy accepting my proposal?

Mr. O'Dowd: We need a new national strategy for the Irish language which would make a clear and honest assessment of where we are, what the Government wishes to achieve, what it can do and what people in society are expected to do in supporting the language. A national strategy will ensure that all bodies and initiatives working for the Irish language have a clearly defined role and a clear sense of purpose.

This debate is important but it must be based on reality and new modern thinking, especially where young people, the choices they make, the television programmes they watch and the lives they lead are concerned. The language must be part of this and, unfortunately, it is not. The challenge lies therein for all of us. The Minister's policy of compulsory Irish, the old policy, has failed. The Gaeltachtaí are disappearing and we should try to save them.

Mr. O'Shea: Fáiltím roimh an díospóireacht seo. Tá sé tábhachtach go mbíonn díospóireachtaí ar an nGaeilge sa Teach seo go minic.

Tá díomá orm mar gheall ar an óráid a thug an tAire. Bhí mise ag súil le ráiteas físe uaidh; ní sin a bhí ann. Ní raibh aon rud nua ins an méid a dúirt sé. Bhí mise ag súil le ráiteas físe, go dtiocfadh polasaí agus clár oibre amach ó shin go luath agus go dtarlódh rud mór tábhachtach as chun an Ghaeilge a chaoimhniú agus chun úsáid na Gaeilge a fhorbairt. Tá díomá orm.

Dúirt an tAire go nglacann sé nach féidir an Gaeilge a chuir ar ais mar ghnáth-theanga pobail na tíre. Labhair sé mar gheall ar an dátheangachas. Aontaíom le sin ach cad díreach atá i gceist ag an Aire nuair a deireann sé go gcaithimid an dátheangachas a chur i bhfeidhm? Léigh mé leabhar, *I dTreó Teanga Nua*, a scríobh Mealmhaodhóg Ó Ruairc. Glacaim nach n-

[Mr. O'Shea.]

aontaíonn formhór na scolairí Gaeilge leis an méid atá á rá ag an tUasal Uí Ruairc, sé sin, nuair a fhéachann duine ar leanaí ag foghlaim Gaeilge, tá deacrachtaí faoi leith leis an Ghaeilge, mar shampla, an tuiséal ginideach, na foirmeacha éagsúla den ainmfhocal, an t-urú, an séimhiú agus na litreacha H, T agus N a chuirtear ar tús fhocal a thosaíonn le guta. Cuireann na h-athraithe sin meascáin mearaí ar na leanaí.

Ní bhaineann sé seo díreach le Roinn an Aire agus, dár ndóigh, agus sin deacracht eile. Tá cúram na Gaeilge scaipithe ar fud Ranna éagsúla. Tá cúram na Gaeltachta ag an Aire, an Teachta Ó Cuív, agus tá cúram an chóras oideachais agus múineadh na Gaeilge ag an Aire Oideachais agus Eolaíochta. Tá cúram ag an Aire Cumarsáide, Mara agus Acmhainní Nádirtha i gcúrsaí craolacháin agus mar sin de. Tá cúram éigin faoi leith ag beagnach gach Roinn Stáit. An rud a goilleann ormsa ná nach bhfuil có-ordú cheart ann ó thaobh polasaithe de. Dár ndóigh, níl aon polasaí scríofa ann agus cuireann sé sin díomá orm. Ní raibh aon fócas ins an méid a dúirt an t-Aire inniu.

Ba mhaith liomsa go ndéanfaí plé agus go bhféachfadh an Rialtas ar féidir, agus an mbeadh sé torthúil, Aire amháin a chuir i mbun cúrsaí Gaeilge agus Gaeltachta ar fad. Glacaim leis go mbeadh sé sin deacair ach más mian linn an luach is fearr a fháil ón airgead atá an Stáit ag cur isteach i seirbhísí ar mhaithe leis an nGaeilge, ba cheart go mbeadh an có-ordú is mó agus is fearr ann chun go mbeadh an toradh is fearr ag teacht as. Ba mhaith liom tuairim an Aire a chloisteáil i dtaobh sin nuair a bheidh sé ag freagairt ag deireadh na díospóireachta seo.

Is cuimhin liom nuair a bhí mé ag dul ar scoil go ndúirt manach ann liom — is dóigh liom go bhfuil sé ann go fóill: “Tá an Ghaeilge agat; labhair í.” Tá sé sin simplí, ach thar a bheith tábhachtach.

Bhíos ag léamh óráid a thug an t-Aire le tuismitheoirí Gaeltachta thart ar bliain ó shin ina ndúirt sé go bhfaighfeadh an Ghaeilge bás muna labhair tuismitheoirí an Ghaeilge le páistí. Ceapaim go bhfuil sé sin fíor sa Ghaeltacht agus sa Ghalltacht.

Rud a ghoilleann ormsa ná go bhfuil Gaeilge ag an gnáth-phobail. Dá ndéanfaidís scrúdú air, chuirfeadh sé ionadh ar daoine líon na bhfocal Gaeilge atá acu agus nach úsáideann siad. Táim ag fillleadh ar an dátheangachas anois. D'fhoghlaim mé píosa eolais ó bheith i mbun oibre ar pháipéir seasamh don Ghaeilge do Pháirtí an Lucht Oibre. Tá chuid mhaith léite agam agus tá roinnt mhaith agallamh déanta agam faoin am seo dá bharr. Cheap mise i gcónaí gur teanga ar a ndearnadar athbheochan air is ea an Eabhrais — Hebrew — san Iosrael ach fuair mé amach nach mar sin a tharla. Is teanga nua é an Eabhrais Iosraelach, teanga atá forbairthe ó b'fhéidir tús na h-aoise seo chaite. Cheap mise go dtí sin gur tharla gach rud

san Iosrael ó 1947-8 i leith, ach ní mar sin atá an scéal. Tháinig daoine go dtí Iosrael ó thíortha ar fud an domhain, agus bhí an téileamh ann go mbeadh teanga ann go bhféadfaidís labhairt le chéile. Bhí an Eabhrais ann mar bhunús. Bhí Eabhrais scríofa acu i gconaí. Is leagan simplí é seo den scéal, ach tháinig teanga nua ó na teangacha go léir a bhí ann.

Nuair a bunaíodh an Stáit bhí 250,000 daoine a bhí an Ghaeilge acu mar theanga dúchais. De réir na meastacháin anois, b'fhéidir go bhfuil 20,000 daoine go bhfuil an Ghaeilge acu mar ghnáth-theanga agus a úsáideann an Ghaeilge gach lá. Ní raibh aon fhorbairt cheart ar an ghramadach le fada mar ní raibh an Ghaeilge á labhairt ar an bhfoclóir. Ní raibh forbairt ach oiread ar an bhfoclóir. Tháinig foclóir nua don teicneolaíocht ón barr. Tá focail nua ann agus tá mé an-tugtha leis an foclóir leictreonaic atá á ullmhú ag Foras na Gaeilge. Tá sé sin an-tábhachtach, agus nuair a ghlactar le focal nua is féidir é a chur isteach ann díreach gan bheith ag fanacht le thart ar 40 bliain go dtí go mbeadh foclóir nua ar fáil.

Ó thaobh an Roinn Oideachais agus Eolaíochta, an mbeadh sé tairbheach don Ghaeilge agus don phobal na rudaí a luaigh mé i leith ghramadach a dhéanamh agus páistí a mhealladh chun na Gaeilge a labhairt ó thús báire? Glacann gach duine gur cheart i bhfad níos mó béime a bheith ar labhairt na Gaeilge san chóras oideachais. Tá daoine ann a cheapann nár cheart béim a chur ar léamh na Gaeilge go dtí i bhfad níos déanaí i saol an leanbh sa bhunscoil.

Rud a ghoilleann orm i gcónaí ná an tarraingt na gcos atá ag baint le daoine áirithe i ngluaiseacht na Gaeilge. Ba mhaith liom go dtabharfadh gach tacaíocht agus mealladh do dhaoine an Ghaeilge atá acu a úsáid, rud atá thar a bheith tábhachtach. Mar a dúirt an tAire, tá daoine á rá go gcaithimid é seo a dhéanamh agus b'fhéidir go bhfuil an focus anois ar an ghlúin atá ag teacht. Is le gach saoránach an Ghaeilge, agus tá sé de dhualgas orainn, más rud é go bhfuilimid i ndáiríre mar gheall ar chaomhnú agus forbairt na Gaeilge sa Ghaeltacht agus sa Ghalltacht, an méid Gaeilge agus is féidir a mhealladh ar gach slí. Is iontach an rud é go bhfuil daoine ann atá toilteanach an Ghaeilge atá acu a úsáid, meascaithe le Béarla, agus is ceart dúinn gach rud a dhéanamh chun é sin a mhealladh. Tá sé tábhachtach nach mbeadh daoine ann ag ceartú daoine eile ó thaobh gramadach de. Níl fhios agam conas a n-éiríodh le sin, ach tá mé cinnte má thosnaíonn an momentum tiocfaidh tairbhe as.

Ní cheart an tuarascáil seo a dhiúltú gan staidéar a dhéanamh ar cad go díreach atá á rá ag an údar, agus féachaint ar stad na Gaeilge agus an bhfuil rudaí ann a mbeadh tairbheach don Ghaeilge. Tháinig an tuarascáil ón choimisinéir inné. Cáineadh amháin atá agamsa don Aire agus don choimisiún i leith polasaí — ní theastaíonn uaim cáineadh pearsanta a dhéanamh — ná go bhfuil béim ró-mhór á leagadh acu ar chúrsaí dlí. Is féidir an dlí a athrú muna mbíonn sé oiriúnach.

Tárlaíonn sé sin anseo. An rud is tábhachtaí ná grá a chothú don teanga. Aontaíom leis an méid a dúirt an tAire——

Éamon Ó Cuív: Is treoiric an-spéisiúil é sin. Leag an Teachta dualgas ar an gcoimisinéir feidhmiú de réir an dlí. Níl aon rogha aige.

Mr. O'Shea: Ní raibh an tAire ag éisteacht liom. Déarfadh mé é arís ar slí níos simplí. Má bhíonn dlí ann gan tairbhe — cur i gcás, tá chuid mhaith cáineadh sna nuachtáin agus ó gnáth saoránaigh go bhfuil iachall ar Roinne cáipéisí a aistriú go Gaeilge gan an leagan Béarla á léamh ach ag fíorbheagán daoine. I gContae an Chláir, mar shampla, déanadh aistriú ar an bplean forbartha, ach níor cheannaíodh oiread agus cóip amháin——

Éamon Ó Cuív: Mar——

Mr. O'Shea: Fan nóiméad——

Éamon Ó Cuív: Féach ar na fíorachaí. Mhínigh mé é sin sa Teach. An fáth nár cheannaigh éinne é ná go raibh sé ar fáil saor in aisce ar an idirlín.

Mr. O'Shea: Tóg go bog é.

Éamon Ó Cuív: Tá sé sin seafóideach.

Mr. O'Shea: Ceannaíodh cóipeanna den leagan Béarla, ach níor ceannaíodh cóip den leagan Gaeilge.

Éamon Ó Cuív: Bhí sé ar fáil i mBéarla ar an idirlíon.

Mr. O'Shea: Tá mo chuid ama thart, ach ba mhaith liom níos mó ama i gcóir agallaimh mar gheall ar na rudaí sin. Táim ag súil le freagraí ón Aire.

Mr. J. Higgins: Tá mé ag roinnt mo chuid ama leis na Teachtaí, Boyle agus Ó Snodaigh.

Le cúpla lá anuas tá tuarascáil bliantúil 2005 ón gcoimisinéir teanga idir lámha agam. Deireann sé go dteasaíonn druidim ón imeall go hionad lárnach an Ghaeilge agus go neartófar an tuiscint in intinn an phobal gur gné tábhachtach agus luachmhar d'ár saol í an Ghaeilge. Aontaím go mór leis an gcoimisinéir ins an méad sin.

Ní bheidh an Ghaeilge riamh mar teanga labhartha maidir le triomlach mór na tíre seo. Tá meáchan na staire agus meáchan cúrsaí eacnamaíochta domhanda agus a leithéid in aghaidh san. Tá dhá theanga sa tír, an Béarla agus an Ghaeilge. Tá gach ceann díobh comh luachmhar lena chéile agus comh saibhir ó thaobh litríochta, staire agus a leithéid. Ba cheart go mbeadh rogha ceart ann ag gach duine an Ghaeilge a fhoghlaim agus a labhairt más rud é go dteastaíonn sé sin uathu. Ciallfaíonn sé sin gur cheart go mbeadh áiseanna agus córas ceart ann chun go bhféadfaí é sin a dhéanamh, go mór

mhór san gcóras oideachais. Caithfear féachaint chuige sin. Tá sé dochreidthe i ndáiríre go mbeadh leanaí agus daoine óga ag baint leis an gcóras oideachais ar fath na blianta fada agus ag teacht i ndiaidh san uile gan aon mór smacht acu ar labhairt na Gaeilge.

Aontaím leis an gcoimisinéir gur achmhainn é an Ghaeilge atá luachmhar ó thaobh staire, ó thaobh chultúir agus eile. Tá daonra nua inimircigh ag teacht go dtí an tír anois agus tugann sé dúshlán nua don Stáit agus dóibh siúd gur luachmhar dóibh an Ghaeilge. Níl aon dul as ach gur foghlam an Bhéarla, an chéad rud dóibh siúd atá ag teacht isteach nach bhfuil an Béarla acu chéana féin. Tá sé sin ceart mar is fíor gurb é an Béarla príomh teanga chaidrimh na tíre. Ba cheart go mbeadh áiseanna ann do inimircigh an Ghaeilge a labhairt, go mór mhór do na leanaí, más rud é go dteastaíonn sé sin uathu. Léirim mar shampla don eagraíocht iMeasc a bhunaigh inimircigh. Chuala mé daoine ón Austráil agus ón Ollainn ag labhairt Ghaeilge líofa. Tugann sé le fios dúinn cad is féidir a dhéanamh nuair atá an toil agus na h-áiseanna ann. Caithfidimid tabhairt faoi cheisteanna don sort seo agus an dhá-theangachas a chothú go mór mhór.

Ba mhaith liom tagairt do seafóid an bliain seo chaite maidir leis an chonspóid mar gheall ar mo bhaile dhúchais a bheith ainimnithe ar léarscáil agus ar fógraí bóthair mar Daingean nó Dingle. Tarraingíonn sé sin droch-cháil ar pholsaí chun a Ghaeilge a chothú. Is é an dhá-theangachas an slí ar aghaidh and caillíonn sé sin Daingean Uí Chúis agus Dingle. Is é sin an slí cheart chun déileáil le seo.

Éamon Ó Cuív: An é An Daingean nó Daingean Uí Chúis?

Mr. J. Higgins: Tá Daingean Uí Chúis níos stairiúil fós, d'fhéadfá a rá. Tugann sé blas do stair na h-áite, ach is cuma.

Éamon Ó Cuív: Nach aisteach gurb é An Seabhac a bhí mar chathaoirleach nuair a moladh An Daingean. Is sean rud é An Daingean.

Mr. J. Higgins: Níl morán ama agam, is cuma liom, Daingean, Daingean Uí Chúis, Dingle. An pointe atá agam gur é an dhá-theangachas an slí ar aghaidh.

Éamon Ó Cuív: Is aisteach go bhfuil tú ag cur in aghaidh údar comh cáiliúil leis An Seabhac.

Mr. J. Higgins: Ba cheart don tAire éist go cruinn. Níl aon áit sa tír seo ina mbaineann oidhreacht na Ghaeilge comh mór leis ná na Blascaodaí agus an Blascaod Mór, agus an litríocht iontach Ghaeilge a tháinig ón t-oileán sin. Impím ar an tAire páirc náisiúnta oidhreachta a dhéanamh as an mBlascaod Mór a chur ar ais ar an mbóthar. Sin a theastaíonn ó na daoine díograiseach a chur faoi seo na blianta

[Mr. J. Higgins.]

fada ó shin. Seoid luachmhar is ea an Blascaod Mór agus ba cheart go mbeadh sé oscailte do gach duine le riarachán chaoi ar ndóigh. Tá sé scannalach faoi mar atá lucht áirithe gnó i láthair na h-uaire ag iarriadh smacht ar an oileán dóibh fhéin chun breabús príomháideach a dhéanamh. Nuair a dúirt Tomás Ó Criomhtain “ní bheidh ár leithéidí arís ann”, ar ndóigh bhí an cheart amach is amach aige. An chreidfeadh sé ríomh go mbeadh báillí ar an mBlascaod Mór ag caitheamh daoine amach as an oileán sa bhlian 2005 mar a thárla an samhradh seo chaite? Cuireadh báillí isteach ann ag fear gnó príomháideach agus níor thugadh cead do dhaoine dul thart faoi na fobhóthaire ar an Bhlascaod Mór, áit a raibh fáilte agus fiche ríomh roimh an strainséir agus roimh éinne a tháinig chuig muintir an Bhlascaod san sean am. Impím ar an tAire an togra seo a chur ar ais. Tóg an t-oileán isteach i seilbh poiblí agus ná tabhair ceart do dhuine amháin, do lucht ghnó amháin, smacht a fháil ar an oileán sa treo seo.

Tá sé scannalach ó thaobh an pleain bainistíochta. Tá siad ag tabhairt ceart do fear ghnó amháin báid farantóireachta a sheoladh ón Daingean go dtí an Blascaod Mór. Cén fáth? Deireann an Rialtais seo linn gur coimhlint idir ghnó an slí ar aghaidh. Nuair a labhrann an tAire ag deireadh na díospóireachta seo, ba cheart dó a rá go gcuirfidh sé an togra seo ar an mbóthar arís. Baineann an scéal seo le oidhreacht na tíre agus na Ghaeilge. Níl aon áit an domhain comh mór leis an mBlascaod a bhaineann leis seo.

Éamon Ó Cuív: Níl éinne ag labhairt Ghaeilge ar na mBlascaodaí. Bheadh sé i bhfad níos fearr an t-airgead dhíriú ar Árainn áit a bhfuil daoine fós ag labhairt Gaeilge. Seafóid é sin.

Mr. J. Higgins: Sin é an fadhb nach bhfuil aon suim ag an tAire an Blascaod Mór a dhéanamh ina pháirc náisiúnta stairiúl.

Éamon Ó Cuív: Sin ceist eile. Sin ceist oidhreachta. Ní ceist na Gaeilge soléir—

Mr. J. Higgins: Baineann sé le oidhreacht na Ghaeilge.

Éamon Ó Cuív: Cuir ceist ar an tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil faoi.

Mr. J. Higgins: Joined-up Government a deireann siad i mBéarla.

Éamon Ó Cuív: Sea, ach ag plé na Gaeilge atáimid inniu. Nílimid ag plé na noileáin.

Mr. Boyle: Dúirt mé mo scéal san Teach i díospóireacht eile. Bhí mo athair as Gaeltacht na Rosanna, as Oileán Oireann Mhór. Fíor-Gaelach ab ea é. Tá mo mháthair as cathair Chorcaí ach rinne sí an scrúdú ardeistiméarachta trí Gaeilge. Rugadh mé sna Stáit Aontaithe agus bhí mé ocht

mbliana d’aois nuair a tháinig mé agus mo chlann ar ais go dtí an tír seo. Sin é an scéal agus níl mé ábalta Gaeilge a labhairt i ceart.

I believe my story is similar to that of hundreds of thousands of people in this country. Outside the annual debate in this House, we must ask why Irish is taught as a language in our education system for 13 years yet not taught as a spoken language. Linguists know the ability to learn a language depends on living it in everyday situations. Our emphasis on grammar and strict diction has alienated many people in our society from their heritage and birthright. People would be more inclined to use Irish if greater encouragement was given and less compulsion existed.

Mythology is another factor that influences the state of the Irish language. Irish is associated with a certain way of life, a culture and a history. Those who have attempted to breathe life into the Irish language in recent years — TG4 must be especially acknowledged — have done so by bringing the use of Irish into a modern idiom to identify with young people in the way they live their everyday lives. Despite the success of TG4, that balance has not yet been achieved. There is still a feeling that the Irish language is associated with an identifiable person who is fíor Ghaelach in too many ways that are far from fíor and far from Gaelach.

As legislators we have particular problems in engaging in an annual debate mostly through the medium of Irish, but failing to have more regular debates. Constitutionally Irish is the pre-eminent language. I have to take a Private Members’ Bill to the Bills office, having checked its veracity. As every Member of this House knows, the Bill is written in English and Irish. I could have taken it to people in the Green Party to check the Irish translation, but given the busy nature of most Deputies’ lives, I am taking it on trust that the Bills Office got it right. If it went through a normal parliamentary procedure, which Private Members’ Bills rarely do, I would hope that any errors might be corrected on Committee or Report Stage. It is to our loss as legislators that we are not able to communicate better in both languages so that we can debate more freely in the Irish language, understand our prime responsibility as legislators and identify any loopholes coming through the Irish text of each Bill we pass.

On those grounds the Oireachtas has tried several measures over recent years, none of which has been successful despite good intentions. Irish language classes are held fitfully each Dáil term but tend to break down after a number of weeks because Members do not have regular schedules that allow them to attend regularly. The Minister and his Department with the Ceann Comhairle, as head of the Houses of the Oireachtas Commission, might consider that in the supposed downtime when the House is not sitting, efforts be made to get Members to immerse themselves in an everyday living situation with the language.

I am thinking of June to September when our work as legislators would be immeasurably helped if we spent one, two or three weeks in Gaeltacht areas improving our ability to speak as Gaelige.

I apologise again for my inability to fully converse as Gaelige. I am working on it and I thank TG4 journalists for their patience in recognising my inability to perform interviews live but giving me the opportunity to think of what I want to say and then say it, which they offer to many people in this House. Perhaps when this debate is held next year it will not be an annual event but part of the ongoing activity of the House, possibly in the 30th Dáil.

Aengus Ó Snodaigh: Tá sé go hiontach go bhfuil an deis againn arís labhairt ar cheist na Gaelige. Is í an fhadhb atá agam, mar a dúirt mé dhá uair roimhe seo nuair a bhí an sórt céanna díospóireachta ann, ná nach fiú díreach ráitis a dhéanamh. Ba chóir go mbeadh díospóireacht cheart againn le rún os ár gcomhair a mbeimis in ann a chíoradh agus a phlé. B'fhéidir go dtarlódh sé sin amach anseo. Tá me in ainm is a bheith ag cruinniú eile faoi láthair maidir le lá na hEorpa atá á phleanáil anseo i mí Bealtaine. Is é atá i gceist ná go mbeadh gach uile rud gafa le ceist an Aontais Eorpaigh an lá sin. Ba mhaith liom go mbeimis in ann teacht anseo an bhliain seo chugainn agus go mbeadh seachtain againn nuair a bheadh gach uile théama sa Teach seo gafa le ceist na Gaelige agus á phlé as Gaelige. Bheadh na coistí agus gach rud i gceist. Déanfaidh mé iarracht é sin a bhrú chun cinn tríd na hAoirí agus a gcoiste.

Fós, níl an staid sroichte againn sa Teach seo gur féidir liom mo ghnó a dhéanamh trí Ghaeilge. Luaigh mé é sin nuair a bhí mé ag déileáil leis an Bhille um Ollscoil na hÉireann, Gaillimh. Ní raibh mé in ann leasuithe a chur síos i nGaeilge. Bhí orm iad a aistriú go Béarla ionas go mbeidís ar an chlár oibre. Beidh stádas níos mó ag an nGaeilge san Aontas Eorpach agus sa Pharlaimint ansin ná mar atá ar fáil anseo, agus tá súil agam go leanfaimid ar aghaidh ag impí ar na státseirbhísigh agus ar an Státchóras amach anseo.

Éamon Ó Cuív: Dá mbeadh an Bille foilsithe sa dá theanga, bheadh an Teachta in ann leasuithe a chur síos.

Aengus Ó Snodaigh: Dá mbeadh, ach ní raibh sé.

Éamon Ó Cuív: Go díreach an—

Aengus Ó Snodaigh: Sin í an fhadhb. Ba chóir go mbeadh gach uile Bhille foilsithe i nGaeilge.

Éamon Ó Cuív: Nuair a bheas an reachtaíocht déanta i dtosach báire, na hAchtanna atá achtaithe—

Aengus Ó Snodaigh: Aontaím leis an Aire, agus tá mé á rá gur chóir go mbeadh sé dátheangach ó thús. Ansin, bheinn in ann mo ghnó a dhéanamh go hiomlán i nGaeilge. Táimid tar éis céim chun tosaigh a ghlacadh. Admhaím é sin, agus tá súil agam go leanfaidh sé sin ar aghaidh.

Chomh maith leis sin, áfach, ní gá ach féachaint ar an tuarascáil a bhí ag an gCoimisinéir Teanga inné. Tá ceannlíne sa nuachtán *Lá*, “Tuarascáil na Teipe”. Tagann dhá cheist as a méid a bhí le rá aige. Dhírigh mise ar cheann amháin acu, an cheist maidir le marcanna breise a bhronnadh as inniúlacht sa Ghaeilge i gcomórtais inmheánacha ardú céime sa Státchóras. Is trua é go raibh an cheist sin le tógaint, ach measaim gur léirú é ar mheon na Státseirbhíse ina hiomláine i leith na Gaelige. Tá daoine maithe ann, ach ina hiomláine níl an Státseirbhís báúil don Ghaeilge. Caithfidh an tAire fáil amach an bhfuil na marcanna breise ar fáil i ngach uile Roinn agus comórtas inmheánach ar siúl. Ceist eile ná—

Éamon Ó Cuív: An gceapann an Teachta gur córas maith é?

Aengus Ó Snodaigh: Measaim féin gur córas maith é, toisc nach bhfuil Gaelige éigeantach ann dóibh siúd sa Státseirbhís.

Éamon Ó Cuív: Cheapaim gur droch-chóras é.

Aengus Ó Snodaigh: Rachaimid ar ais go dtí an córas éigeantach agus an Ghaeilge a bheith éigeantach sa Státchóras.

Éamon Ó Cuív: Ní bheinn i bhfábhair sin ach oiread.

Aengus Ó Snodaigh: Ar aon chaoi, tá ceist eile maidir le hÚdarás na Gaeltachta. Bhí toghchán againn, agus bhí daoine sna bothanna toghcháin nach raibh Gaelige líofa acu. Tá sé sin scannalach má táimid ag déileáil le ceist chomh mór sin. Is maith an rud é a chloisint ón Teachta O'Dowd de chuid Fhine Gael go raibh siad ag lorg go mbeadh gníomhairí teanga agus iad siúd atá báúil don Ghaeilge sásta teacht amach ar na sráideanna. Tá súil agam go mbeidh an pobal sásta teacht ar na sráideanna chun caiteachas ceart ar an Ghaeilge lasmuigh den chóras oideachais a lorg. Tá céimeanna chun tosaigh glactha, ach níl go leor á chaitheamh ar an dteanga. Tá níos mó á chaitheamh ar na capaill agus na cúanna ná ar an Ghaeilge lasmuigh den chóras oideachais.

Ba mhaith liom pointe gairid eile a dhéanamh. Impím ar an Aire iarraidh ar an Taoiseach ceist Acht teanga don Ghaeilge sna Sé Chontae a bhrú ar Tony Blair agus iad ag bualadh le chéile an tseachtain seo chugainn.

Mr. Carey: Fáiltím roimh an deis roinnt smaointe a nochtheadh mar gheall ar cheist na teanga Ghaelach. Is annamh a bhíonn seans agam tacaíocht a thabhairt don mhéid a bhí le rá ag an

[Mr. Carey.]

Teachta Joe Higgins mar gheall ar an Bhlascaod Mór. Is áit stairiúil, iargúlta, ársa, spioradála é an t-oileán sin, agus ba cheart go mbeadh sé i seilbh an phobail. Má tá seans ag an Aire luí ar a chomhghleacaithe sa Rialtas é sin a dhéanamh, chuirfinn fáilte roimhe.

Bhí alt ag Pól Ó Muirí san *Irish Times* inné mar gheall ar an mhéid a bhí le rá ag David McWilliams ag Tóstal na Gaeilge i nGaillimh tamall ó shin. Dúirt sé roinnt rudaí atá suimiúil, agus ceapaim go bhfuil siad tábhachtach. Labhair McWilliams don chuid is mó do mheánaicme Bhaile Átha Cliath agus ar an athrú meoin atá tagtha anois i dtaobh na teanga de. Tá siad toilteanach cluas éisteachta a thabhairt don soiscéal Gaelach. Bhí sé dóchasach go raibh deis anois ann iad a mhealladh i dtreo na teanga agus go labhróidís í anois agus arís. Thuigfeá as caint McWilliams go raibh earra na teanga faiseanta faoi láthair. Is é an cheist a chuirfeá ort féin faoina léargas na cén fhad a mhairfidh an faisean agus, ar bhonn fealsúnachta, an féidir le lucht na teanga caidreamh a bhunú le meánaicme an Bhéarla a mhairfeadh agus a bheadh éifeachtach?

Éilíonn teanga umhlaíocht ar chainteoir, is é sin, ní féidir le duine ar bith teanga a cheannach. Ní féidir le cainteoir seilbh a bheith aige uirthi mar a bhíonn aige ar teach saoire sa Phortaingéil nó ar bhallaíocht den K Club.

Is dóchá gurb é an deá-scéal ná conas na sléibhte a bhaint amach, conas ceann a chur ar an turas agus an chéad ghlúin eile a chur ar bhealach a leasa agus a labhartha. In ainneoin phríomhaíocht bhunreachtúil na Gaeilge mar an príomhtheanga oifigiúil, mar is eol do Theachtaí, tá staid agus todhchaí na Gaeilge mar theanga labhartha faoi fíorbhagairt, fiú amháin sna ceantair Ghaeltachta. Roimh achtú Acht na dTeangacha Oifigiúla, ní raibh aon reachtaíocht ann chun a chinntiú go gcuirfí seirbhísí ar fáil sa Ghaeilge. Mar thoradh ar an easpa reachtaíochta sin, bhí sé deacair a chur ina luí ar chomhlachtaí Stáit go raibh cearta ag saoránaigh i dtaca le soláthar seirbhísí trí Gaeilge. Seachas cothrom na féinne a chur ar fáil do chainteoirí Gaeilge, más ón nGaeltacht nó lasmuigh dóibh, bhí meon ann go forleathan gur leor seirbhísí a chur ar fáil i mBéarla amháin.

D'ullmhaigh Bord na Gaeilge, mar a bhí ag an am sin, treoirilínte i 1993 maidir le seirbhísí Stáit a chur ar fáil i nGaeilge, ach níl aon dabht nár tugadh mórán aird orthu sin go forleathan ar aon chuma. Bhí sé soiléir nach n-éireodh go maith le tionscnamh deonach ar bith, is cuma cé chomh deá-rúnach is a bhí sé, gan creat pleanála ar leith a bheith ag gabhail leis a bhí bunaithe ar riachtanais theangeolaíochta éagsúla.

Is é an tAcht seo an chéad reachtaíocht ina leagtar síos próiseas pleanála reachtúil chun a chinntiú go gcuirfidh comhlachtaí poiblí níos mó seirbhísí ar fáil i nGaeilge agus ar chaighdeán níos airde. An cur chuige atá roghnaithe san Acht ná meicníocht a chur i bhfeidhm chun go mbainfear

amach an cuspóir seo ar bhealach réasúnach agus ar bhonn céimnithe, comhpháirtíochta. Is ar chomhaontú a bhaint amach atá an bhéim, bunaithe ar mhodh pragmatach, atá deartha chun fíorfheabhsuithe a bhaint amach go gearrthéarmach, agus chun tógáil ar an gclár oibre ionas go gcinnteofar tuilleadh feabhsuithe de réir a chéile i rith na meántréimhse agus na fadtréimhse. Go bunúsach, is é atá i gceist san Acht ná modh pleanáilte agus straitéiseachlena gcuirfear, ar thaobh amháin, na h-acmhainní comhlachta maidir le scileanna Ghaeilge agus go dtabhairfear aitheantas, ar an dtaobh eile, do riachtanais daoine a dteastaíonn uathu an Ghaeilge a úsáid agus iad ag plé leis an comhlacht sin.

Mar is eol dúinn go léir, bainfear bun-chuspóir an Achta amach go príomha trí na scéimeanna teanga atá le hullmhú ag comhlachtaí poiblí, ar iarratas ón Aire agus atá le daingniú aige chomh maith. Trí ná scéimeanna comhaontaithe seo, tá sé i gceist go mbeidh seirbhísí poiblí ar chaighdeán níos airde ar fáil do chainteoirí Gaeilge. Tá inní orm mar gheall ar sin agus ní dóigh liom go bhfuil an plean sin ag dul i gcrích tapaigh go leor. Táthar ag feidhmiú na seirbhísí seo de réir a chéile ar bhealach comhleanúnach, pleánailte agus aontaithe.

Feidhmíonn Acht na dTeangacha Oifigiúla ar dhá bhealach. I dtaca leis na scéimeanna de, ní miste a lua go bhfuil os cionn 20 scéim daingnithe go dáta agus go léiríonn na scéimeanna teanga sin go bhfuil cur chuige réadúil agus praiticiúil glactha ag comhlachtaí poiblí maidir le soláthar níos fearr de sheirbhísí trí Ghaeilge a sheachadadh, ag tógáil san áireamh cumas na n-eagras sin ó thaobh na n-acmhainní daonna agus airgeadais atá ar fáil dóibh. Leagtar béim ar leith sna scéimeanna ar a thábhachtaí is atá sé cumas Gaeilge na mball foirne a fheabhsú trí oiliúint agus sainchúrsaí cuí a chur ar fáil dóibh.

Sá chomhthéacs seo, tá Roinn ná Gaeltachta ag obair go dlúth le Foras ná Gaeilge, Gaeleagras na seirbhíse poiblí, an Foras Riaracháin agus institiúidí tríú leibhéal chun a chinntiú go gcuirfear leis an solathár sainchúrsaí atá dírithe ar riachtánais na hearnála poiblí i ndáil le cur i bhfeidhm an Achta, ar a n-airítear córas dearbhúchain do chailíochtaí i seirbhísí aistriúchain, córas creidiúnaithe d'oiliúint Ghaeilge, sainchúrsaí oiliúna Gaeilge agus bunachar sonraí leictreonach de chomharthaí caighdeánacha. An bhfuil fhois ág an Aire cathaín a bheith an post i bhForas na Gaeilge líonaithe? Ba cheart go líonfar é go luath agus tá seo riachtanach Tá fhois agam go mbeidh an tUasal Mac Donnacha sa phost sin ar feadh cúpla mí eile.

Ag tabhairt aird ar a h-áit mar an chéad teanga oifigiúil, is é an sprioc ná a chinntiú go bhféachtar ar sheirbhísí i nGaeilge a chuireann comhlachtaí poiblí ar fáil mar ghnáth-rud atá riachtanach chun cloí le híos-chaighdeán seirbhísí chustaiméara agus rialú corparáideach agus nach díreach

seirbhís roghnach sa bhreis atá ann. An méid sin ráite, is gnó do na cohlachtaí poiblí féin, ar ndóigh, a chinntiú go gcomhlíonfar na dualgais a thiteann orthu faoin Acht sa chaoi chéanna agus a chomhlíontar dualgais faoi aon reachtaíocht eile, is cuma cé Béarla nó Gaeilge é.

Tá daoine ann a deireann gur airgead amú caiteachas an Stáit ar an Acht seo agus gur fearr go mór an caiteachas sin a dhíriú, mar shampla, ar théacsanna Gaeilge a chur ar fáil don córas oideachais. Chuala mé an Aire ag rá go minic, de réir Bunreacht na hÉireann, is í an Ghaeilge céad teanga oifigiúil an Stáit. Ní féidir aon athrú a dhéanamh ar an stádas seo ach amháin trí chinneadh ag muintir na hÉireann i reifreann. Tá sé de dhualgas ag an Stát mar sin tacú leis an Ghaeilge a fhad is go bhfuil an stádas bhunreachtúil seo aige. Tá súil agam go leanfaidh an stádas sin le fada an lá.

Déanadh Acht na dTeangacha Oifigiúla 2003 a dhréachtadh de réir chomhairle an Ard-Aighne le feidhm a thabhairt do stádas bunreachtúil na teanga. I 2004, bhí feachtas láidir ann ag cuardú stádas oifigiúil agus oibre don teanga Ghaeilge san Aontas Eorpach, feachtas a fuair tacaíocht ó gach aon páirtí ins an dTeach seo. Tá stádas oifigiúil teanga agus oibre faighte ag an nGaeilge san Aontas Eorpach a thiocfaidh i bhfeidhm i 2007. Nach ait go bhfuil eadarsan ann a thacaigh leis an bhfeachtas maidir le stádas na Gaeilge san Aontas Eorpach in aghaidh caiteachais ar an teanga sa bhaile anseo? D'fhéadfaí a rá go bhfuileadar seo féin-bhréagnaitheach. Bheadh sé aisteach tar éis stádas oifigiúil teanga a chuardú muna mbeadh polasaithe cuimsitheacha ag an Stát in Éirinn a thacódh leis an teanga mar chéad teanga oifigiúil an Stáit seo de réir soláthair bunreachtúil na Gaeilge agus de réir an bhreith maidir leis an stádas sin a thug an Cúirt Uachtarach i gcás Uí Bheoláin.

Leagann an Acht teanga amach go sonrach na cearta atá ag lucht labhartha na Gaeilge agus acu san gur mian leo Gaeilge a labhairt, ach leagann sé amach chomh maith socruithe praiticiúla leis an éileamh ar sheirbhísí i nGaeilge a shásamh ar bhonn phraiticiúil. Sin an méid. Leagfaidh gach scéim a shocraítear le chomhlacht phoiblí amach go cruinn sonraitheach na cearta atá ag saoránaigh maidir le seirbhísí trí Ghaeilge a bheith á chomhlíonadh ag an gcomhlacht sin i rith tréimhse trí bliana ar leith.

Cuirim fáilte roimh an deis atá againn anseo. Mar a dúirt an Teachta Ó Snodaigh, bheadh sé níos fearr dá bhféadfaimis úsáid a bhaint as an Ghaeilge níos minice agus gnáth-rudaí a phlé as Gaeilge. B'fhéidir go dtarlóidh sé sin amach anseo. Tá súil agam go mbeimid go léir anseo chun é sin a dhéanamh.

Mr. Deasy: I am afraid my Irish is not good enough to make a speech. On the issue of translation costs as they pertain in particular to local authorities and other State bodies, I got involved in the matter because a senior council official

brought to my attention the amount of money it spent on translation costs for the county development plan approximately 18 months ago. He could not believe the delays and the costs, which came to €30,000 or €40,000.

At the time I was given the opportunity by *The Irish Times* to write a column about the issue. This was after the former headmaster of my secondary school had approached me. He could not understand why people were spending money on translation costs when the secondary school I attended was located beside a gealscoil. It had a stream in the secondary school that brought students up to second year, after which it got no funding and was forced to discontinue the course. After second year the Department of Education and Science would not fund the stream. People who wanted to complete their leaving certificate through Irish were prevented from doing so. He asked a fair question. Why, in God's name, are we spending money on translating into Irish documents that nobody ever reads in English and at the same time a student who wants to complete his leaving certificate through Irish cannot do so?

It is true that Fine Gael voted for the Official Languages Act. However, it is about time the Minister and others admitted they made some mistakes. Some of the provisions in the Act are not helping the Irish language and are rather detracting from it and doing it no favours. Interestingly I met representatives of Dungarvan Town Council a few weeks ago and the same thing happened. They are preparing the town development plan and are badly delayed because of translation issues. This is happening two years after the fact. While we were promised that translation would be streamlined and these delays would not occur, it is not the case. The Minister can check with the local authority. The translation issue has not been addressed and it is still causing major delays in a document that is essentially the most important planning document that a town council handles every five years.

I tabled a question that was disallowed by the Ceann Comhairle today. I wanted the Minister for the Environment, Heritage and Local Government to outline how much money each local authority spends on translation. The question was disallowed, as the Minister does not have remit in these areas. If the Minister for the Environment, Heritage and Local Government does not have remit over local authorities, I do not know who does.

We were told that only major documents would need to be translated. However, this is not the case. Local authorities are interpreting the requirement differently. Two or three weeks ago I got a letter regarding bin charges from Waterford County Council. It was printed in English on one side and Irish on the other. I contacted a representative of the council, who felt that, because the Government had lost the plot, the council was obliged to translate such items. It is not just major documents such as the draft

[Mr. Deasy.]

development plan and the development plan. The council is translating much more than that. It is costing it money and causing delays.

Éamon Ó Cuív: Was this a letter that went to everybody in the county?

Mr. Deasy: I am just outlining the situation. It is somewhat disingenuous with regard to——

Éamon Ó Cuív: Did it go to everybody in the county?

Mr. Deasy: Yes.

Éamon Ó Cuív: Did it go to Ring for example?

Mr. Deasy: Yes. The people who have complained most to me about this issue are those from the Gaeltacht of Ring — the Gaeltacht I represent. They believe the money should be put into different areas to support the Irish language. They do not believe it is well spent. They feel it is giving the Irish language a bad name. People are ridiculing the Irish language with regard——

Éamon Ó Cuív: They want——

Mr. Deasy: The Minister should let me finish. They are the people who are saying this money is being badly spent in the area of the Irish language. They are uncomfortable about what is happening in Waterford County Council. Previously if somebody wanted to do business such as planning through Irish, the service was provided. I asked whether anybody had ever complained about the provision of services through Irish in Waterford County Council. I was told it had received no complaints. While some people in the Gaeltacht like the provisions in the Act, many others understand the money would be better invested in other areas of the Irish language.

Éamon Ó Cuív: Could the Deputy give an example of how the county council could spend money differently? He need not tell me that the council could hand the money to the Department of Education and Science as that is nonsense.

Mr. Deasy: I premised my argument at the start. Why can a student not continue to study for the leaving certificate through Irish after second year? If funds are not available to support such students, that is a perfect example.

Éamon Ó Cuív: Is the Deputy——

Mr. Deasy: I am not going to be interrupted every time I speak.

Acting Chairman (Cecilia Keaveney):
Aire——

Éamon Ó Cuív: I ask the Deputy to clarify a point for me. I am very interested.

Mr. Deasy: Let me finish.

Éamon Ó Cuív: Is the Deputy saying for argument's sake——

Mr. Deasy: The Minister has been shouting us down on this issue for long enough. When my party leader mentioned compulsory Irish we were branded as Irish haters. The Minister for Education and Science, Deputy Hanafin, said if it was up to Fine Gael we would not have an Irish language. Every time we raise these issues, we are branded as being instinctively against the Irish language.

Éamon Ó Cuív: I am asking for clarification.

Acting Chairman: Hold on, Aire.

Mr. Deasy: That is the case.

Éamon Ó Cuív: The Deputy should not be so defensive.

Mr. Deasy: We can have an honest difference of opinion regarding how money should be spent with regard to the Irish language.

Éamon Ó Cuív: I am trying to elucidate——

Mr. Deasy: The Minister should do us a favour. We are shown real disrespect when we are immediately branded as being against the Irish language.

Éamon Ó Cuív: I did not say a word about them.

Mr. Deasy: After Deputy Kenny made his comment, we heard two or three——

Éamon Ó Cuív: Did I say anything about Deputy Kenny? I praised him here today. I praised him for raising the debate.

Mr. Deasy: Fair enough.

Éamon Ó Cuív: I said it was a very wholesome debate.

Mr. Deasy: There were plenty of people on the Government benches, who used it as an opportunity to have a go at us as being against the Irish language, as the Minister knows.

Éamon Ó Cuív: I have praised the Deputy's leader for having the debate, which I welcome.

Mr. Deasy: I asked every Department——

Éamon Ó Cuív: The Deputy is off the wall in this regard.

Mr. Deasy: Let me finish. I asked every Department how it implemented the Official Languages Act, particularly as it pertains to Government reports. It was just amazing. Some of the Departments——

Éamon Ó Cuív: The Deputy should give the facts.

Mr. Deasy: I have the facts.

Éamon Ó Cuív: What are the facts?

Mr. Deasy: Some of the Departments——

Éamon Ó Cuív: How much did it cost?

Acting Chairman: Deputy Deasy has only ten minutes to speak, of which only two minutes remain.

Mr. Deasy: I do not mind interaction, but if the Minister is just trying to interrupt me for the sake of it——

Acting Chairman: The Deputy has the right to make his speech.

Éamon Ó Cuív: What are the facts?

Acting Chairman: The Minister may respond at the end.

Mr. Deasy: Thank you. Implementation of the Act is all over the shop. Some Departments are spending €200,000 or €300,000 to implement the Act and some are spending €3. In many cases they have decided to comply with the legislation and in other cases people have a difference of opinion. People are confused. The amounts involved in some Departments run to hundreds of thousands and in others it is less than €10. I have the figures, which I requested from each Department.

The Opposition needs to make it clear that if we are in Government after the next general election, aspects of the Official Languages Act should be repealed. We should not be afraid to say so. We made a mistake in voting in favour of some provisions in the Act and the Government did also. I am man enough to stand up and say so and the Minister should acknowledge that he made a mistake regarding spending on Irish translation.

If measures are shoved down people's throats, they will react badly. I get that impression from officials who provide a very good service in the Irish language. People feel resentment as a result of the Act, which does not do the Irish language any favours. In some cases, officials have more important matters to attend to than catering to the Minister's whims, of which this measure is an example and which is not working.

Ms O'Sullivan: Tá rudaí le rá agam sa díospóireacht seo, ach tá mé níos compordáí ag lab-

hairt i mBéarla. Mar sin leanfaidh mé ar aghaidh sa teanga sin. I welcome the fact that this debate is taking place today and hope I will not attract too much of the Minister's ire. I will chiefly address issues relating to education and the Irish language and the difficulties presented by the current system. I do not detect an urgency in addressing the serious problems in respect of the decline of the Irish language as one which people in this country are comfortable speaking, which has been referred to by previous speakers.

Having been educated in the system, having a great love of the Irish language and having attended various Irish classes as an adult, I have a reasonable knowledge of the language. Like Deputy Boyle, I have been assisted by representatives of TG4 and Radio na Gaeltachta when I have attempted to make points in Irish. I will continue to express myself using the amount of Irish I possess whenever the opportunity arises. I believe I am representative of a broad section of the community which is very anxious to develop the use of the Irish language among citizens, be they children at school or adults. My attitude to the Irish language is very positive and I wish to see more urgency on the part of the Government in respect of this issue and greater communication between Departments. I am not sure how much co-operation exists between the Departments of Community, Rural and Gaeltacht Affairs and Education and Science in respect of making progress on this issue.

My colleague, Deputy O'Shea, has referred to the lack of a vision statement or Green Paper on the subject or an invitation from the Government to discuss proposals. There have been many speeches and acknowledgements from the Minister that a problem exists. He has suggested that parents must speak more Irish to ensure their children speak more Irish. However, it is not good enough simply to tell parents that it is their responsibility. We need proactive Government measures that will treat this issue with the urgency it requires.

For example, if one reads the *Staid Reatha na Scoileanna Gaeltachta, Study of Gaeltacht Schools 2004*, one can see that there is real concern about the decline in Irish in the Gaeltacht and Gaeltacht schools. According to the study, "A significant number of Gaeltacht schools have already conceded defeat in the face of the difficulties and have switched to teaching through the medium of English". It states: "It would appear that schools have not been given the support, advice and resources that would allow them to develop such policies". Yet, one also witnesses the significant growth in naonraí, Gaeilscóileanna and Gaelcoláistí, which is a very positive development. There is a clear decline in proficiency in Irish in regular schools. The three strands are attempting to fit into a curriculum that puts them all in one straitjacket and, as many people have argued, does not place sufficient emphasis on the spoken language.

[Ms O'Sullivan.]

We need a properly thought-out approach to these issues. It is not possible to progress while the three different groups, which have different levels of proficiency at different stages in the system, try to fit into the same curriculum and examination structure. The system is not working and must be immediately addressed. In that context, I will quote from a paper entitled *The Future of Languages in Irish Education: Policy, Curriculum and Pedagogy*, which was produced for the Royal Irish Academy on 31 May 2005. The paper includes observations on how language is learned, which we must grasp before we deal with the issue. The paper addresses common problems with language curricula. It states:

They are rarely if ever based on a coherent model of gradually developing communicative proficiency, in which the different language skills are related to one another in a clear progression. Educational systems typically set their sights unrealistically high. As a result, learners are too often expected to be able to perform communicative tasks without having developed the underlying linguistic competence on which successful spontaneous performance depends.

The paper goes on to discuss how people learn to speak a language first and learn to read in a language before they learn to write it and the need to progress in this way.

We expect children in regular schools who do not hear Irish spoken at home to progress too quickly in our system in terms of writing and grammatical skills. On the other hand, children who grow up in a Gaeltacht home where Irish is spoken can move much faster and have internalised the language so that it is natural for them to express themselves in Irish. This area must be worked on before progress can be achieved. If we do not do so, we will simply be talking in circles and trying to make everyone fit into the same box.

I will refer briefly to the difficulties experienced by teachers in schools in the Gaeltacht. These teachers do not have the appropriate resources. The Oireachtas Joint Committee on Education and Science heard a presentation that dealt with this issue. These teachers are struggling with the resources and supports available to them. I will quote from an e-mail I received from an individual who deals with teachers in the Gaeltacht. According to the e-mail:

They were constantly telling us that a French or German teacher can come into class with a plethora of extremely well packaged and interesting aids, whereas they are depending on literature which belongs to another era. This is really where we need to begin.

The Minister is on record as having spoken about the decline in the use of Irish in Gaeltacht schools. Until we give them the appropriate resources and teaching aids and let them compete

properly with French and German in Gaeltacht schools and schools in other areas, we will get nowhere.

A considerable amount of material in the curriculum is probably more suited to a specialist section or subject in the leaving certificate specifically designed for people who are fluent, native Irish speakers. Such a section or subject could include Irish literature. In respect of people who are non-native speakers, such material should be reserved for third level study. We should aim to ensure that people can speak fluently and write relatively fluently.

In that context, very little emphasis is placed on oral examinations. If it is not done in the examination, people will not do it in the schools. If marks for oral proficiency are not given at both junior and leaving certificate level, people will concentrate on written work because that is where they will pick up marks and, knowing grammar, as Deputy O'Shea noted, will be their focus. The focus should be positive rather than negative. At the moment, people lose marks if they make mistakes in the tuiseal ginideach in their essays when the focus should be placed on what they do well.

I see no evidence that the Government is taking any of this on board. There has been much talk about it, which has not been reflected in what is happening in the curriculum and examination structure. I am aware that reform is taking place within language curricula in general and that the National Council for Curriculum and Assessment is examining the area. We need a sense of urgency with regard to the Irish language.

I will now address measures that are working well. I have spoken about naonraí, Gaeilscóileanna and Gaelcoláistí. TG4 is another example of how the mass media can help people feel comfortable again with the Irish language. I am unaware of the statistics but I estimate that a very large section of the Irish population watches TG4 on a relatively regular basis. These people do not regard themselves as being particularly proficient in Irish but can follow what is going on in the programmes. Whether it is "Rugbaí Beo" or whatever, people will watch because they have an interest in a particular area. The programme is very imaginative and original on TG4. I pay tribute to my colleague, Deputy Michael D. Higgins for everything he did when he was Minister of State, in that regard.

To sum up, I feel passionately about the fact that Irish is being failed at school level. There is still much goodwill towards the language. There will be more calls for the ending of the obligatory element of Irish participation in the schools unless the changes are now made to make it a language that people want to learn and to speak.

Mr. Deenihan: Ba mhaith liom cúpla focail a rá ins an díospóireacht seo. Cosúil le na Teachtaí

eile tá meas mór agam don teanga ach níl mé cleachtúil inti, anois.

Like other speakers I want to say a few words in this debate. At one stage I was relatively fluent in the language, but I just do not have the practice. That is the position with many Members of the House and it begs the question why all of us, as decision makers, are not using the Irish language more in our daily lives. People look to this House for example and for leadership, but very little Irish is spoken here. That is an indictment on all of us. We must all share some responsibility for that.

There are some fine speakers of Irish on this side of the House. One is Deputy McGinley, whom the late Mr. Bryan McMahon once told me was one of the finest speakers of the language he had ever heard. Our leader, Deputy Kenny is a fluent Irish speaker, with a great grá for the language. I admire the approach Deputy Kenny has taken on the Irish language. Because of his honesty, at least we are having a debate on the language, and it is about time. I am sure the Minister will accept that Deputy Kenny, as much as Deputy Ó Cuív, has a real deep respect and love of the language. I have heard him use it in several different forums. He has a nice blend of Connemara and Munster Irish and is one of the role models in the House for the language. Few party leaders in this House have used the language enough since the foundation of the State, including our Taoisigh over the years.

I am convinced that Deputy Kenny, when he is Taoiseach, will ensure that a realistic approach is taken towards ensuring that Irish again becomes the language of many of the people. I will refer briefly to some of the proposals he has suggested for the language.

I listened to Deputy Deasy's contribution while I was in my room. He said that the minute Fine Gael Deputies mentioned the Irish language, they were attacked viciously by Deputy Hanafin, the Minister for Education and Science. She is very good at attacking. I will not use the type of language that Deputy McDowell, the Minister for Justice, Equality and Law Reform, might use. He was labelled by one journalist as a form of animal, but I will not use that term about Deputy Hanafin. Nonetheless, I saw her attacking trenchantly on television and in fairness to the Minister, Deputy Ó Cuív, I am glad he did not follow that line, today. He was magnanimous in acknowledging what Deputy Kenny had to say about the Irish language, while disagreeing with him.

As regards the leaving certificate, people do not seem to realise that Irish is not a compulsory subject. It is compulsory for youngsters to have to attend classes for Irish lessons. People who are not interested can, at times, be disruptive, though not always. They can make it problematic for the Irish teacher, to really teach the language properly, to the children in the class, and that is a fact. Young people do not do Irish for the leaving certificate because they do not have to. The general

impression is that everyone has to sit Irish in the leaving certificate. That is not the position. One can get the leaving certificate without doing the Irish exam. It is only compulsory to attend classes in Irish. A student may go to sleep during Irish class or not pay attention but that is not the right approach. If Irish was compulsory, it would be compulsory in the exam as well, if we were honest about it.

The Minister mentioned earlier that Irish was the only subject that all students must take at the leaving certificate. It is not. A student need not take other subjects either. No subject is compulsory. The Minister mentioned that other subjects are compulsory. I have just had this matter clarified. Under the Rules and Programme for Secondary Schools, referred to as the bible for secondary schools it is stated that: "In the case of the established Leaving Certificate the approved course for recognised senior pupils must include not less than five of the subjects specified in paragraph (2)(b) of this rule, of which one shall be Irish."

Éamon Ó Cuív: Just to clarify, I am of the view that English should be in the same situation as Irish. These are the two official languages, the core subjects, and I strongly believe every student should have to do English up to leaving certificate. I accept that what the Deputy is saying is factually correct. However, I believe we should go further and make English a core subject for the leaving certificate.

Mr. Deenihan: I am glad the Minister has clarified that. I repeat, there is no compulsory requirement to take English or mathematics. The Minister for Education and Science, while speaking on this topic before Christmas, attempted to mislead the public by pretending that there were three compulsory subjects for the leaving certificate. I do not recall precisely whether it was in this House or on "Questions and Answers", and she was corrected by the Fine Gael spokesperson on education.

Éamon Ó Cuív: The Deputy is absolutely correct. However, I did not say that. I said I believed there should be two, if not three, core subjects for the leaving certificate for all students.

Mr. Deenihan: As regards the Irish language, some years ago when interest in Irish dance and culture generally was on the wane, Riverdance emerged. The Irish language needs something like Riverdance. It needs a major revival. It needs to become topical and fashionable with young people, and that can be done. I sincerely believe that one of the great advantages of Deputy Kenny becoming Taoiseach would be that he could do that. I am not saying that in a political sense. Deputy Kenny, because of his fluency in the language, when he is Taoiseach, will engender

[Mr. Deenihan.]

a great revival in Irish. I would encourage him to use it at every opportunity.

The number of people now speaking English in Gaeltacht areas is quite alarming. I go to Dingle once a year. I am amazed at how few people now speak Irish there around the bars. Formerly, if one spent the day in Krugers in Dunquin, one would leave, speaking Irish. Perhaps that was because of the few drinks one might have imbibed, but from speaking to the old people there especially, one would leave the pub talking Irish. It would come back to any of us in one day. That does not happen anymore, however. I am not singling out Krugers, but I have had the experience of coming out of that pub and speaking the language after just a few hours talking Irish to the local people. In other bars, hostelrys and meeting place in the Gaeltacht areas, however, less Irish is being spoken. That is confirmed by recent research and it is quite worrying.

I am pleased to have had an opportunity to speak in this welcome debate. We should have more meaningful discussions on the Irish language and take it much more seriously. Every country in Europe has its own language. People in these countries speak their own languages and are identified by them. We in the Republic of Ireland are the exception. For the sake of the future identity of this country we must encourage more people to speak Irish.

The type of attack on Fine Gael from some quarters reminded me very much of what happened in the Mansion House when John B. Keane launched the language freedom movement back in the early 1960s. Gay Byrne chaired that meeting. John B. Keane was attacked and assaulted for just speaking about freeing up the language, making it more accessible and removing its compulsory status. He wrote books in Irish, including the great book, *Dan Paddy Andy*. He loved the language and spoke it but he wanted to remove the compulsory teaching of it. When we mentioned compulsion in leaving certificate Irish, we were attacked immediately. That is wrong. Those people who singled out Deputy Kenny — one of the finest speakers in this House — are wronging him. They should give him the opportunity to do something positive for the Irish language.

Caoimhghín Ó Caoláin: Cuirim fáilte leis an deis seo chun an Ghaeilge a phlé sa Dáil. Tá sé íorónta go bhfuil an t-ábhar seo á phlé inniu, díreach tar éis fhoilsiú thuarascáil an Choimisinéara Teanga. Is tábhachtach an tuarascáil sin, agus molaim an Coimisinéir Teanga, Seán Ó Cuirreáin, aisti. Tá scéal uafásach nochtaithe aige, scéal náireach don Státseirbhís. Is scannal é go bhfuil stádas na Gaeilge chomh híseal sin sa Státchóras anois go bhfuil an coimisinéir á rá gur cosúil go bhfuil Béarla éigeantach i bhfeidhm in áit na Gaeilge éigeantaí a bhíodh ann.

Tá Ranna ag diúltú córas marcála a chur i bhfeidhm a thabharfadh marcanna breise d'íarrthóirí le cumas sa nGaeilge, agus níl sé sin inghlactha. Tá sé scannalach chomh maith nach bhfuil ach 3% den bhfoireann sa Roinn Oideachais agus Eolaíochta in ann gnó a dhéanamh trí mheán na Gaeilge.

The report of the Language Commissioner is a damning indictment of the State's failure to vindicate the position of the Irish language within the Civil Service. The Department of Education and Science should be a lead Department in the promotion of the Irish language, yet we find that only 3% of staff are capable of doing business through the medium of Irish. That is not acceptable. The system which replaced the Irish language requirement in the Civil Service is not working. Departments are not awarding bonus marks to candidates for promotion on the basis of their ability to do business in both official languages. This is equally unacceptable and must change.

That said, we should look at the commissioner's report as an opportunity to put things right. There has been far too much negativity about the Irish language. Many Members, especially when based in Dublin during the course of the week, have free Dublin newspapers forced upon them at different points, either in traffic or as they make their way on foot to this institution. I could not credit the headline in today's *Metro*, the free Dublin news-sheet, which I subsequently noticed is published by an English company. While the paper reports the Language Commissioner's report reasonably accurately, it uses the alarming headline in bold type on the front page: "Irish does you no good at all." There must be an answer to that.

I want to put on record Sinn Féin's belief that the Irish language must remain at the core of the education system. For that reason and despite the arguments presented by my colleague, Deputy Deenihan, we are opposed to the Fine Gael proposal to remove our national language as a core subject for State exams. That is the road to further decline and marginalisation of Irish. What we certainly need at all levels of the education system is a further shift in emphasis towards Irish as a spoken language, a living language of the people, in the classroom, the schoolyard, the playing field, the home and workplace.

Speaking as a parent whose fifth child is now going through the gaelscoileanna experience, the transformation from my experience of going to school to my children's experience is stark, apparent and obvious. My children play with their young friends in a very natural way that is almost a rejoicing in their extra language skills. This is a far cry from the reality I knew myself. Part of the problem in implementing such reform is the over-reliance of our education system on written exams and on the points system which is a rat race dictated by the number of places available in third level colleges.

The tremendous energy and vibrancy of the Irish language community is seen in the *gaelscoil* movement — I speak of the Irish language community throughout the island of Ireland — in the language organisations and in the Irish language media from TG4 to *Lá* to *Foinse* to local media. I pay tribute to local radio stations and the print media which accommodate and encourage the reportage of events and community-style noticing as *Gaeilge*. That energy and vibrancy needs to be matched in the public service, the business community, and the trade union and community sectors.

Only the Government can co-ordinate a national effort to create a bilingual society. There is no denying it is a huge task but there is a tremendous foundation of goodwill among the majority of our people, regardless of the regular trundling out of their position by the begrudgers and those of the west Briton view in regard to our language who continually attempt to denigrate Irish. I cite this morning's freebie as yet another example of that.

We have been talking about the Irish language community, which is distinct from the *Gaeltacht* and its communities. We should have a special debate on the *Gaeltacht*. There are significant issues to be addressed about the future of the *Gaeltacht* which cannot be adequately addressed in the context of short statements such as this on the overall language issue. Many issues need to be addressed and I urge an early debate as a follow-up to this one. Perhaps the Minister would facilitate this and ensure it takes place shortly.

I seek the Minister's and the Government's ongoing support for the rights of Irish language speakers and the growing Irish language speaking community north of the Border. We need to ratchet that support up a little from the current level.

A legislative deficit exists on the matter of the Irish language north of the Border. So long as the current reality of two jurisdictions remains, we need to impress on the British Government the importance of ensuring legislative protection.

The Minister shows great goodwill, support and encouragement for the language. I encourage him to look beyond this jurisdiction and to exercise as much influence as he can and with his colleagues in Government in an effort to ensure that the British Government properly recognises and facilitates the growing development of the Irish language north of the Border.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): It would be very useful if the Oireachtas Joint Committee on Community, Rural and Gaeltacht Affairs, were to hold an interactive question and answer-type debate on the Irish language, rather than Members making long statements. In the ten minutes allotted for my reply, I cannot address all the issues raised. We have listened to a number of very good contributions today. Deputy Deasy

is very forthright in his view and I will address some issues raised by him.

He referred to the translation of documents. Section 10 of the Act is very clear on what material must be translated. The number of documents requiring to be translated is very limited and these are major policy documents.

I am purposely speaking in English because there is no way of getting the English language media to listen if one speaks in Irish. All these matters were debated in detail in Irish but when the Act was passed there were complaints that they had not been told anything. English translations were provided but nobody bothered with them.

For the information of Deputy Deasy, I made inquiries as to the cost in 2005 to Departments, the Revenue Commissioners and the Office of Public Works of compliance with section 10 of the Act. The cost was approximately €300,000 to €350,000, between all the Departments. The total expenditure of those Departments is approximately €50 billion and the cost of compliance should be put in that context.

A study of the figures showed there are ways of reducing costs and one of the simplest is to look at the costs and time-wasting expended in producing documents that are far too big for anyone to read. The first step should be to look at the English language costs of those documents. The biggest cost is in compiling the documents as they are often voluminous. It would be more cost effective in any language to reduce the size of the documents by giving the relevant information and cutting out the many pages which are not read in either English or Irish. When they were produced in English, nobody ever read them and it never worried anyone that they were growing bigger.

Every week I receive many documents and I have a wastepaper basket. I plead with bodies such as all the county enterprise boards to stop sending me their annual reports in hard copy. I would prefer if they sent me notification that their annual reports are available to read on the Internet. I put all hard copies into the wastepaper basket. I doubt if other Members read them either.

This House agreed that people had a fundamental right to receive versions of documents in both official languages. It was argued that the cost of translating documents such as county plans and so on, could be devoted to education. I challenge any local authority that it expended €30,000 on section 10 compliance last year — which I doubt. Development plans are made every five years so the costs would be divided over five years. I do not believe any local authority is offering that if it did not have to comply with section 10, it would hand up that money and transfer it to the local vocational education committee for textbooks written in Irish. The reason for the introduction of the Act was that the local authorities were trying to access the Irish funds which should be used for paying for teaching

[Éamon Ó Cuív.]

through Irish and Irish language textbooks to fulfil their fundamental duty to produce the documents in Irish. The reason for the Act was to stop funds designated for the Irish language being sucked out to be used to produce fundamental documents in the Irish language.

If this is the policy of Waterford County Council, why did it not give that €30,000 or €40,000 to the Irish language in the county? A bilingual leaflet was distributed to every house in County Waterford because Waterford County Council voluntarily agreed to do so in a plan which was submitted to my Department for approval. It was not a question of compulsion. The council proposed the plan and it is not forced to undertake it. It is ridiculous for the Deputy to blame me for something which the council voluntarily agreed to do and it makes a mockery of the undertaking.

Deputy Deasy expressed the view that the Act should be amended. I do not know whether the Deputy was speaking for Deputy Deasy or speaking officially for the Fine Gael Party.

Mr. Deenihan: He was speaking for Deputy Deasy.

Éamon Ó Cuív: He did not say that.

Fine Gael may believe the Act should be amended. I am open to discussion of the matter and there may be provisions in the Act which need to be examined. I invite Fine Gael to suggest amendments and they can be debated in the House.

If valid points are made, I am willing to take them on board. I was always willing to consider amendments even as in the case of An Daingean and the other placenames which came back to haunt me because I listened to people such as a certain Senator who now criticises me, who wanted every sign and notice in the Gaeltacht to be in Irish only. I rejected that proposal but decided to make a small change regarding placenames and the rest is history. The same Senator now attacks me for doing something small.

I wish to lay a few lies about An Daingean — Dingle. It is amazing that until Easter Monday last year the only official form of any placename in the Gaeltacht was the English language form; An Blascaod did not exist officially and neither did Baile an Fheirtéaraigh, Dún Chaoín nor An Daingean. It is a subtlety in the law that the English language only was the official language but the Irish authorised version such as An Daingean or An Blascaod, could be used for every public and private purpose as if it was an official form even though it was not official.

This situation was an insult to the people of the Gaeltacht as well as being an anomaly. It was decided to make the Irish language form the official form but to allow the authoritative English language form to be used without hindrance for every public, private or official pur-

pose. In the case of An Daingean, this is Dingle. There is nothing to stop the shopkeepers of An Daingean or Dingle, using Dingle in their planning applications or with Fáilte Éireann or in any other way. They are in the Gaeltacht and if they did not have a problem with the status of An Daingean before, I find it very strange why they are suddenly becoming so excited about Dingle being where An Daingean was and An Daingean being where Dingle was.

It was decided that there were two occasions when the State would be required to use the Irish form of the name: in Acts of the Oireachtas and statutory instruments. If An Daingean or An Blascaod is referred to in an Act of the Oireachtas, it must be in the Irish form.

The Irish language form is required to be used on the very large Ordnance Survey maps, such as those used by the Land Registry. It has nothing to do with road maps. The third requirement was that it had to be used on road signs erected by the local authority.

I considered the matter from a tourist's perspective. The options were quite simple. We could put both names — An Daingean and Dingle, Baile an Fheirtéaraigh and Ballyferriter, Dun Chaoín and Dunquin, An Cheathrú Rua and Carraroe, An Spideál and Spiddal — on all of road signs. It is nonsense to suggest — this is where this debate has lost its marbles — that it is sensible for tourists to find a sign for An Spideál and Spiddal outside the Seapoint ballroom in Salthill but that when one reaches Knocknacarra, the border of the official Gaeltacht, the law would then state, as it has stated for 30 years, that there should only be signs for An Spideál while the map would only refer to Spiddal. Any rational person will agree that would be a bizarre way of trying to serve tourists.

I had to decide whether to have bilingual naming inside and outside the Gaeltacht or to have Gaeltacht placenames in Irish only, inside and outside the Gaeltacht. When I considered the option of having bilingual names inside and outside the Gaeltacht, I felt that the people of the Gaeltacht would not find it acceptable that suddenly, after 30 years, we would take down a sign for An Cheathrú Rua and replace it with a sign for Carraroe and An Cheathrú Rua. In most of the Gaeltacht that would be seen as regressive and a step back into the past.

I considered the conundrum in every way. The solution was to put one form on all the signs as the tourist will not know when he or she crosses the border. However, so that tourists do not get lost, we will make road maps bilingual — the ordinary maps that are bought in a shop. All of the road map companies have agreed to facilitate this. Therefore, the maps will show An Spideál and Spiddal and the sign will show An Spideál. As the man said, we will all find our way around the world.

Those who argue for the *status quo* or that it is logical to have An Spideál only in Irish on the

maps and a sign for Spiddal and An Spideál outside the Seapoint ballroom were not tourists. I bet that if one asked a tourist whether the old or the new system was more rational, the tourist would choose the new one. A new signpost for An Spideál, with no mention of Spiddal, has been erected outside the Seapoint ballroom in Salthill in all its glory. I found no-one at the signpost scratching his or her head. Everybody has worked it out.

Mr. Deenihan: “Spiddal” and “Spideál” are similar words.

Éamon Ó Cuív: That point was made to me. What about An Fhairche and Clonbur, or An Clochán Liath and Dungloe?

Mr. Deenihan: It is different in west Kerry.

Éamon Ó Cuív: Connemara must be getting the intelligent tourists.

Health (Repayment Scheme) Bill 2006: Order for Second Stage.

Bill Entitled an Act to provide for a scheme to repay recoverable health charges and to regulate patients' private property accounts, and to provide for related matters.

Minister of State at the Department of Health and Children (Mr. S. Power): I move: “That Second Stage be taken now.”

Question put and agreed to.

Health (Repayment Scheme) Bill 2006: Second Stage.

Minister of State at the Department of Health and Children (Mr. S. Power): I move: “That the Bill be now read a Second Time.”

I am pleased to introduce Second Stage of the Bill to the House. A significant and long-standing feature of our health system of publicly funded long-term care has been the principle that it is fair and reasonable that people should make some contribution to the cost of their long-term care. The Government, however, accepts fully the Supreme Court decision which found as unlawful the retrospective imposition of charges on fully eligible persons for their publicly funded long-term care. The Bill provides for the legal framework for making repayments to those wrongly charged for inpatient services in publicly funded long-stay residential care. This legislation must be passed at the earliest opportunity by the Oireachtas to ensure that those due a repayment receive it as soon as possible. We also propose legislation to regulate patient private property accounts. It is considered efficient to address both issues in the same Bill.

Charges for publicly funded long-stay residential care have been raised by health boards from

people under two sets of regulations, namely, the Institutional Assistance Regulations 1954, as amended in 1965, which applied to all, including those with full eligibility, and the Health (Charges for In-Patient Services) Regulations 1976, as amended in 1987, from which medical card holders and those with dependants were exempt.

The Supreme Court judgment in the Mclnery case in 1976 narrowed very significantly the grounds on which a charge could be raised for institutional assistance; it could only be made for shelter and maintenance without any medical or nursing care being provided. A circular from the Department of Health to the health boards in 1976 authorised a practice by which the chief executive officer of a health board could regard patients as not meeting the criteria for full eligibility while being maintained in an institution, since necessary general practitioner and surgical services were being provided for them, and so withdrew their medical cards. The withdrawal of full eligibility in this way allowed a charge for inpatient services to be raised.

The health boards, with the knowledge of the Department of Health and Children, continued to raise charges under both sets of regulations up to 9 December 2004. On the basis of advice from the office of the Attorney General, the Department instructed the health boards to cease charging all fully eligible persons in receipt of inpatient services in public long-stay institutions and in contract beds in private nursing homes, solely by virtue of a contractual arrangement with a former health board, with effect from 9 December 2004. By way of a goodwill gesture, the government agreed to have *ex gratia* payments of up to €2,000 made to those wrongly charged and who were alive on 9 December 2004. The Health Service Executive has so far made payments in excess of €21 million to approximately 10,800 individuals.

The Health (Amendment) (No. 2) Bill 2004 was passed by both Houses of the Oireachtas on 17 December 2004. The purpose of the Bill was to provide a statutory basis for the imposition of charges on those to whom inpatient services were being provided in public long-stay institutions. It also contained a retrospective element which provided that charges levied prior to the enactment of the legislation were also lawful. This Bill was referred to the Supreme Court for a decision in regard to its constitutionality. The retrospective element provided that a relevant charge levied under section 53 of the Health Act 1970 for long-stay care prior to the enactment of the legislation was lawful. The Supreme Court decision of 16 February 2005 found this retrospective element of the Bill to be unconstitutional.

The charging for long-stay care was put on a statutory footing under the Health (Amendment) Act 2005 and is being implemented by way of the Health (Charges for In-Patient Services) Regulations 2005. These regulations were signed on 14 June 2005, reinstated charges for inpatient

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services and provided for the levying of a charge in respect of the maintenance of persons in receipt of inpatient services. The regulations were prepared following extensive consultation with the HSE and others.

The Supreme Court in its decision of 16 February 2005 did not consider the exposure of the State, or the magnitude of the sums involved, to justify the extinguishment of a property right. A Cabinet sub-committee was subsequently established to consider the implications of the Supreme Court judgment. It was agreed that money received by the HSE as a result of the imposition of unlawful charges would be repaid.

In light of the level of repayments which would be due to individuals in certain cases and the overall amount of money involved, it was agreed a repayment scheme to repay fully eligible individuals who paid inpatient charges while in publicly funded residential care would be established and placed on a statutory basis. On 11 May 2005 the Government agreed the key elements of the scheme for the repayment of these long-stay charges, one of the key considerations being to ensure that those eligible for repayments receive them as quickly as possible with the minimum possible imposition of bureaucracy. It is regretted that, due to the detailed and complex nature of the issues involved and the need to consult with a broad range of agencies and interests, the drafting of this Bill has taken longer than anticipated.

It is estimated that up to approximately 20,000 people who are still alive and a further 40,000 to 50,000 estates will benefit from repayments under the scheme. The overall costs arising from the long-stay charges repayment scheme have been estimated at approximately €1 billion and an appropriate allocation for 2006 will be made when the legislation is passed by the Houses of the Oireachtas.

The unfortunate reality is that a high proportion of those patients due a repayment have varying degrees of mental impairment meaning that any scheme would clearly require appropriate safeguards to be put in place to prevent fraud and exploitation of those who receive repayments and are not in a position to manage their own financial affairs. In these instances the legislation will allow repayments to be placed in patient private property, PPP, accounts. These accounts need to be regulated given the significant amount of money which may be in them as a result of repayments of long-stay charges.

Patients' private property refers to money and personal possessions that patients have with them on admission to care. In the case of long-stay patients, the property also includes regular pension payments. Patient private property accounts are operated by the HSE, and formerly by the health boards, in supporting clients in managing their financial affairs and assisting them in dealing with various aspects of daily living. The patient private property account system manages the

private money of long-stay patients, which may include pension income, maintenance charges, spending money or comfort payments to patients or clients and lodgements to clients' accounts.

This account provides the patients with an ability to exercise their autonomy through such activities as choice of clothing, recreational activities etc. The account may be administered by an institution as a service to patients who are not in a position to administer the property themselves or have a relative or other person do it on their behalf. The Department of Health and Children accepts the need for clarity and consistency in the area of patient private property accounts and is introducing a statutory framework for these accounts to protect patients' interests, particularly in the context of large repayments under the scheme being placed in these accounts.

Due to the nature, volume and complexity of the repayments involved, it was decided, in line with the Government decision, to appoint an outside company with appropriate knowledge and experience in dealing with mass repayments. Such a company is being engaged by the Health Service Executive, HSE, to manage the repayment scheme within the agreed Government parameters. This company will also provide an independent assessment of the amount of repayment due to each applicant under the scheme, which will help to reassure the public that the scheme is being operated in the most equitable and effective way possible.

The HSE has supported the decision to engage an outside company as the nature of the work is not one of its core functions and in any event it would not be in a position to administer a repayment scheme of this magnitude within existing resources without having to divert staff from their normal functions in relation to the delivery of health services. The HSE is already committed to providing resources for the implementation of a unitary system for the delivery and management of health services at local, regional and national level following its establishment in January 2005.

An initial procurement process undertaken by the HSE in the latter half of 2005 resulted in 11 expressions of interest being received for the design and administration of the repayment scheme and these were short-listed to three. Following consideration of all the issues, the initial procurement process was terminated in December of last year as the HSE considered the tenders were unsuitable for a number of reasons, including value for money.

The HSE decided that in these circumstances it was necessary to put a new procurement process in place and subsequently placed a further advertisement in the *Official Journal of the European Union* on 2 February 2006. Seven companies have been short-listed and the HSE is confident that the process will result in a satisfactory outcome. The timescale determined by the HSE for the new selection process, including the appointment of the successful company, is the end of

April 2006, with repayments to claimants likely to commence in June 2006.

Consideration had been given to the involvement of public sector staff to assist in administering the scheme; however, the HSE informed the Department that the time constraints of the procurement process and the potential for significant logistical difficulties and protracted delays, with consequent implications for the commencement of the repayment scheme, did not allow for this option to be implemented. There would also have been a requirement to assign dedicated HSE resources to train and supervise such staff thereby removing them from their normal duties with a subsequent effect on service provision.

However, in recognition of the importance of progressing repayments, the Tánaiste has asked the HSE to identify all those living patients who were wrongfully charged and to calculate the details of the repayment due to them in as many cases as possible during the period prior to the selection of the outside company. This will ensure that a significant proportion of patients should receive their repayments within a short period of the company becoming operational. The HSE has informed the Department that approximately 10,000 repayments have been calculated by the HSE to date, approximately half of which relate to those who are alive.

Extensive discussions have taken place with the Office of the Attorney General, the Department of Finance, the Office of the Revenue Commissioners, the Department of Social and Family Affairs, the Probate Office of the High Court, the Office of the Wards of Court, the Law Reform Commission, the Office of the Ombudsman, the Courts Service, the Data Protection Commissioner, the Mental Health Commission and the Health Service Executive in relation to the provisions contained in the Bill.

In addition, the Tánaiste appointed a National Oversight Committee last August, which is representative of service users, including Age Action Ireland and the Irish Senior Citizens Parliament, to provide an independent input into the design of the repayments scheme and to monitor the operation of the scheme to ensure that it is being implemented quickly and in the most equitable and effective way possible. It is chaired by Professor J. Bernard Walsh, consultant physician, St. James's Hospital, and it reports directly to the Tánaiste.

The committee usually meets on a monthly basis and has examined such issues as mental capacity, appropriate appeals systems and the protection of patient private property. The committee is also in the process of obtaining independent legal advice to assist it in its task. The chair of the committee has met the director of reform and development, Courts Service, to discuss in detail a possible framework for making repayments to persons with diminished capacity. The committee is fully briefed on all aspects of the

scheme and has provided valuable input into the legislative process at each stage to date.

The draft Bill has been agreed with the oversight committee. The first report from the oversight committee to the Tánaiste, which I understand will confirm the committee's satisfaction with all aspects of the processes and procedures undertaken by both the HSE and the Department of Health and Children to date in relation to the establishment of the repayment scheme, is due to be submitted shortly.

The Health (Repayment Scheme) Bill 2006 provides a clear legal framework for a scheme to repay recoverable health charges for publicly funded long-term residential care and regulates patients' private property accounts. All those fully eligible persons who were wrongly charged and are alive, and the estates of all those fully eligible persons who were wrongly charged and died since 9 December 1998, will have the charges repaid in full.

The original explanatory memorandum that accompanied the Bill contained an error with regard to the time limit applicable to estates. The original sentence stated: "The scheme will not allow for repayments to the estates of those who died more than six years prior to this date". The sentence should have read: "The scheme will not allow for repayments to the estates of those who died prior to this date" — "this date" being 9 December 1998. This error has subsequently been rectified. However, the memo is not a legal document and the error contained therein does not affect the contents of the Bill.

The decision to limit repayments to estates of those who died since 9 December 1998 reflects the reference in the Supreme Court judgment to the possible application of the Statute of Limitations, namely: "The State has available to it a defence of the Statute of Limitation i.e. a 6 year limit." The Government has a responsibility, in view of the very substantial sums involved, to have regard to what the Supreme Court said about the Statute of Limitations to place appropriate limits on the scale of total repayments which today's taxpayer will have to fund. I am satisfied that the scheme strikes a fair balance in this regard.

Normally an assessment is made by the health boards to determine the eligibility status of a person, which is manifest by means of a medical card. Medical card holders and those aged over 70 with effect from July 2001 are considered to be fully eligible for the purpose of this scheme. In addition, given the vulnerability of those in long-stay care and cognisant of the fact the former health boards did not make a determination on eligibility status in many instances, based mainly on the incorrect assumption that full eligibility could be removed from long-stay care patients as set out in the Department of Health and Children circular 7/76, it has been agreed that those not having a medical card on admission but who fell within the income-means

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threshold for a medical card, that is, those in receipt of the non-contributory old age pension, will be regarded as having full eligibility for the purpose of this scheme. This will ensure the scheme is broadly inclusive and is implemented in a fair and equitable manner.

All those wrongly charged for inpatient services will be repaid in full. For the purpose of this scheme community hostels which provide either medical or nursing care on a rostered basis are considered inpatient services and residents will have unlawful charges repaid in full.

Priority in making repayments will be given to those who are still alive to allow the persons in question to benefit from the repayment by availing of comforts they may not otherwise be able to provide. In the case of estates, those who paid the charges will not receive any benefit from the repayment due to their death. Many of the living patients have already been identified as a result of the *ex gratia* scheme announced in December 2004.

At the Tánaiste's request the HSE has already begun proactively calculating the amount of repayments due to living patients in advance of the selection of an outside company. I understand from the HSE that in excess of 10,000 repayments have been calculated to date and this will continue in the period until the company is appointed. This is to ensure prompt repayment can begin in many cases following the appointment of a company.

It is important to note that the repayments will include both the actual charge paid and an amount to take account of inflation by reference to the consumer price index, CPI, a widely accepted tool for monetary calculation over an extended period. CPI data is also available on a regular basis, thereby facilitating a match with periods when payments are due. The index is also used by the Department of Social and Family Affairs in dealing with under payments of social welfare entitlements.

In addition, under current social welfare legislation, any moneys received by non-contributory pensioners and other social assistance recipients are assessed as capital, subject to the existing disregard of the first €20,000 of all capital owned. Repayments to some living patients, depending on the amount of repayment due, could therefore have been significantly reduced. In the case of those who were wrongly charged and are still alive or their spouses, repayments under the statutory scheme proposed in the Bill will be exempt from tax and will not be taken into account in assessing means for health and social welfare benefits.

The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates. Currently, beneficiaries of the estates of others are, for social welfare purposes, assessed with the value of inheritance received from the estates regardless of the original source

of any of the capital or property inherited. It is consistent with existing provisions to treat repayments in the hands of beneficiaries of estates as inheritances, assessable in the normal way.

The procedure for obtaining a grant of probate in the case of an estate of a deceased person can be arduous, time consuming and expensive, with the process taking in many instances up to 18 months to complete. For the purpose of the repayment scheme a streamlined procedure is being developed in conjunction with the probate office of the High Court for a person applying for repayment on behalf of the estate of a deceased person. This procedure will allow an individual to obtain the documentation necessary to receive repayment in a timely, cost-effective and efficient manner. This process is solely for the purpose of receiving repayment under this scheme. Where there are other assets of the estate involved or disputes arise among potential recipients, the normal procedures and requirements for obtaining a grant of probate will continue to apply.

The scheme will include an independent transparent, user friendly appeals process which will be independent of the Health Service Executive and the company engaged to administer the scheme. The appeals process will allow both written and oral submissions to support an appeal. Applicants to the scheme will be advised of the outcome of their application as soon as possible and will be provided with details of their entitlement to appeal if their application has been rejected or if they dispute the amount of the repayment. The legislation allows for regular reports on the operation of the appeals process, which will be laid before the Oireachtas.

The scheme will include a provision to allow those eligible for a repayment to waive their right to all or part of the repayment and have the money donated to fund one-off service improvements for older persons and persons with disabilities. Many people have indicated to me that their mother or father was well cared for and, as a result, they might want to donate their payment to help those less fortunate. The fund will be specifically established for this purpose to ensure any money donated will be expended for the purpose for which it was intended. This fund will be audited by the Comptroller and Auditor General and the Health Service Executive will submit an annual report to the Tánaiste on its operation.

The HSE, in association with the scheme administrator, will operate a helpline-advice centre to deal with queries and correspondence from patients, relatives, estates, members of the public etc. Advertisements will also be placed in the media highlighting the establishment of the scheme and where to apply or seek advice. Arrangements will be made to ensure all information on the scheme will be available in the Irish language.

An area of particular concern in the drafting of this legislation and administration of the repayment scheme is in regard to those patients who

may have issues in regard to mental capacity. The unfortunate reality is that a high proportion of patients in long-stay care have varying degrees of deteriorating mental impairment and special arrangements are required for such persons given that they will be in receipt, in certain cases, of significant amounts of money but may not have the capacity to manage their financial affairs. As part of the legislation a statutory framework is being put in place to protect patient interests, particularly in the context of receipt of substantial repayments. Where doubt may exist regarding the capacity of an individual, a certificate issued by a registered medical practitioner who has examined the relevant person in the six months prior to the application will be required to be submitted with the application form. In developing the framework for protecting vulnerable patients consideration was given to the work of the Law Reform Commission, which is preparing a comprehensive report on vulnerable adults and the law. The commission expects to publish it later this year. The provisions were also discussed with the Courts Service and the oversight committee devoted extensive time and input to the drafting of these provisions.

Where a doubt exists as to the capacity of an individual, repayments can only be made into the individual patient's private property account, pending a decision on the capacity of that individual. Clearly, this would only apply where the patient is not already a ward of court or has no other legal representative. Moneys lodged to these accounts will be used specifically for the benefit of the individual patient. To protect these moneys in the case of persons with capacity issues no moneys in excess of €5,000 per annum can be used for the benefit of the patient without the payment being approved by the Circuit Court. Day-to-day expenditure for personal purposes can be made without the necessity of court application but the expenditure of large sums of money will be regulated. Moneys may also be invested by the HSE on behalf of the patient in financial institutions authorised by the Irish Financial Services Regulatory Authority.

The legislation also allows for the appointment of an independent person to be appointed by and report to the Minister for Health and Children on patient private property accounts to ensure that these accounts are administered in an appropriate fashion and any moneys expended are for the benefit of the patient. Patient private property accounts will be administered in line with national guidelines which are to be developed by the HSE to ensure consistency in their application throughout the country.

I now propose to briefly outline the main provisions of the Bill. Section 3 allows the Health Service Executive to enter into an arrangement with persons to provide services on their behalf. This will enable the HSE to engage an external company to administer the repayment scheme within the agreed parameters. The Government

decision indicated that an outside company with experience in dealing with mass claims would be engaged to manage the scheme within the agreed parameters. I have already referred to the tendering process being undertaken by the HSE in this regard. The timescale currently envisaged by the HSE for the appointment of the company is the end of April 2006, with repayments to claimants commencing shortly thereafter. The company in question will also provide an independent aspect to the validation of claims and the repayment scheme generally.

Section 4 outlines the type of forms and other documents the scheme administrator may require for the purposes of the Act. Section 5 outlines the application process for a repayment using the forms mentioned in section 4. It also outlines the grounds for refusing an application and the closing date for receipt of applications. The legislation allows for applications to be accepted until 1 January 2008 and this date can be extended by regulation if required.

Section 6 sets out the process for determining if an applicant is entitled to a repayment and the amount due. In the event of insufficient information being available on the amount due for repayment, the scheme administrator can make a determination on repayment based on a formula linked to the patient's old age non-contributory pension for the period in which the patient was in care. However, a separate lower or higher rate will be fixed in cases where there is evidence that a reduced or increased charge was paid.

Section 7 allows for applications from living persons to be prioritised over those from estates of deceased persons. This is designed to allow patients to benefit from repayments while still alive.

Section 8 is designed to make the repayments scheme more beneficial than litigation for the applicant and relates to other legislation on which this Bill impinges. This section allows for repayments to a living person or his or her spouse to be disregarded for income tax purposes, repayments under the statutory scheme to living persons or their spouses to be disregarded in means assessments for health or social welfare benefits and for any tax relief claimed for medical expenses in respect of payments or for any probate tax liability that may arise to be disregarded. It will allow for a streamlined process with regard to the normal probate requirements for estates for the purpose of facilitating repayments through the statutory scheme. It also provides that a final repayment will be net of any *ex gratia* payment made or any outstanding charges due for long-stay care arising from the imposition of the charges for inpatient services in 2005. Currently, beneficiaries of the estates of others are assessed for social welfare purposes with the value of inheritance received from the estate, regardless of the original source of any of the capital or

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property inherited. The scheme will be consistent with existing provisions, to the effect that repayments to beneficiaries of estates, as inheritance, will be assessable in the normal way.

Section 9 regulates patient private property, PPP, accounts. These accounts consist of money and personal property that is managed on behalf of the patient by the HSE. Where there are no legally appointed representatives for a patient with capacity issues, the repayment due will only be paid into a PPP account, which will be administered on the patient's behalf by the HSE. This is to protect patients who may be in receipt of large sums of money and who are not in a position to manage their own financial affairs. In other cases, the money may be lodged with a financial institution or may at the patient's request be lodged to a PPP account.

This section allows the Minister to appoint a person to oversee the administration of PPP accounts and to report to the Minister on these matters. It also allows the HSE to invest money in PPP accounts on behalf of patients and to use money in these accounts for the benefit of the patient and provides for the HSE to make an application to the Circuit Court to use sums in excess of €5,000 per patient in any calendar year for such purposes.

Section 10 provides that where a person accepts a repayment under the scheme, he or she waives the right to sue for recovery of that charge. Where a person has received a court settlement in respect of a repayment, he or she is disallowed from making an application to the scheme. It allows the HSE to make a lodgement to court of the amount rejected or any other amount that the HSE deems appropriate if an applicant decides to reject repayment under the scheme and pursue action through the courts.

Section 11 provides for the HSE to establish a donation fund to enable those due repayments under the scheme to donate all or part of the repayment. Such donations will be used specifically for improvements in public health services for elderly persons and persons with disabilities, the costs of which are non-recurring, and will be exempt from capital acquisition tax and from any probate tax liability.

Section 12 will facilitate the operation of the scheme and allows the HSE or any person administering the scheme on behalf of the HSE to have access to the records required to enable it to process claims. It protects those to whom the records relate by providing for the imposition of penalties on those who breach confidentiality around any aspect of the scheme. It prohibits the disclosure of information except for the performance of the functions of the relevant person under the Act. It also compels publicly-funded bodies to cooperate with the scheme through the provision of relevant records. The Revenue Commissioners

may request the scheme administrator to provide them with details of repayments made.

Section 13 provides for the establishment of a special account to facilitate repayments being made under the Act and to ensure transparency with regard to the repayments or any costs associated with implementing the scheme. The account shall only be used for this purpose and funds will be issued by the direction of the Minister for Finance. All repayments will be paid out of this account, which will be subject to audit by the Comptroller and Auditor General.

Section 14 provides for governance arrangements on the repayment scheme. It allows for reports to be submitted to the Minister by the HSE on request or at regular intervals on the operation of the scheme and the PPP accounts and allows the Minister to lay such reports before each House of the Oireachtas. It requires the chief executive officer of the HSE or a representative of the scheme administrator to give evidence on the scheme before an Oireachtas committee. It also details the information to be kept in respect of applications for repayment.

Section 15 provides that the scheme administrator will inform the applicant of the outcome of the application as soon as possible and will give notice of the reason for the decision and the right to appeal. Section 16 provides for an independent and transparent appeals process by allowing the Minister to appoint suitably qualified persons to determine appeals. It also outlines the grounds on which a person may appeal. The Minister may request reports on the operation of the appeals process and copies of these reports shall be laid before each House of the Oireachtas. The process also allows for appeals to the High Court on a point of law.

Section 17 allows for the recovery of any overpayments and payments fraudulently obtained under the scheme. Section 18 provides that the accounts of the scheme administrator, in so far as they relate to the scheme, may be audited by the Comptroller and Auditor General. The accounts of the special fund established to make the repayments, patient private property accounts and the fund established to receive donated payments can also be audited and reports shall be laid before each House of the Oireachtas.

Section 19 outlines the penalties and offences which can be imposed on persons who make fraudulent applications or on persons who disclose confidential information. Section 20 allows for regulations for the purpose of administration of the scheme and the administration of patient private property accounts. Section 21 allows for regulation to remove an impediment or difficulties which may emerge within a year of commencement of the Act and which may prevent or delay any provisions of the Act from becoming functional.

I now want to outline some of the major developments that the Government is pursuing to improve services for older people. It has been the policy of successive Governments to endeavour to help older people maintain themselves in the community while at the same time providing for residential care which is not prohibitively expensive. The policy of the Government on the development and delivery of services for older people is to maintain them in dignity and independence at home for as long as possible and in accordance with their wishes.

The past 12 months has brought an increased focus on services, particularly in terms of residential and community based long-term care. Additional funding of €150 million for services for older people was allocated in the last budget. A total of 1,366 home care packages are in place, 249 of which have commenced since January 2006. The Health (Nursing Homes) (Amendment) Bill, which was recently published, will ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and will help the HSE to implement the scheme on a standardised basis across the country.

The general scheme of the health information and quality authority, HIQA, Bill will be published within the next few weeks as part of a public consultation process. The draft heads provide for the establishment of HIQA, the establishment within HIQA of the office of the chief inspector of social services and the establishment of a registration system for residential services for children in need of care, persons with disabilities and older people. The establishment of HIQA and the office of the chief social service inspector demonstrates the Government's commitment to the health service reform programme. A working group has been established to develop standards for residential care for older people and aims to have draft standards available in July.

Last year, the Tánaiste and the Minister for Social and Family Affairs established an inter-departmental group to examine the area of long-term care for older people. The group included senior officials from the Departments of the Taoiseach, Health and Children, Social and Family Affairs and Finance and was chaired by the Department of the Taoiseach. A number of reports were made available to it, including the Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs and published in 2002. Having examined the range of benefits and services in place and the various issues arising from the financing of long-term care, the group has now sent the report to the Government for consideration.

The issue of funding long-term care needs for older people, both residential and community, is among the most difficult and complex areas in the

health sector. The demographic challenges facing all countries must be tackled and sustainable programmes put in place. While many different approaches are taken by governments in addressing these challenges, there are no simple answers. Nevertheless, the pace of change from a demographic, social and clinical aspect requires society generally and Government in particular to respond in a coherent way so that appropriate funding and service delivery programmes can be implemented.

The Bill will provide an appropriate mechanism to allow for repayments to those wrongfully charged for publicly funded long-term care in an uncomplicated manner. The provisions of the Bill will significantly reduce the imposition on patients in terms of bureaucracy. The oversight committee has provided valuable input into the scheme to date and will continue to do so for the foreseeable future to ensure that the scheme is implemented quickly and in the most equitable and effective way possible. The committee will submit reports to the Tánaiste on the operation of the scheme at regular intervals.

I am confident the safeguards put in place with the regulation of the patient private property accounts will prevent the exploitation of those who receive repayments and are not in a position to manage their own affairs. I commend this Bill to the House.

Dr. Twomey: I thank the Minister for his contribution. Deputy McManus and I have come from an almost four-hour long meeting of the Joint Committee on Health and Children. If some of the officials feel we are somewhat all over the place with our contributions, I hope they will take that into account. At the committee meeting we experienced the Tánaiste going through another one of her routines of being nine years in denial. The way the Tánaiste and Professor Drumm were speaking, one might believe the Government changed in 2004 and the Tánaiste has only been in Government for the past 18 months. It appears difficult for her to comprehend that her Government has been there since 1997. What we heard at the committee meeting was total nonsense.

Where do we start with this Bill? The delay in delivering it to the House is indicative of the delays this Government experiences in bringing legislation to the Oireachtas, especially if such legislation relates to the health service. The Minister of State mentioned some of these in passing, such as the legislation to clarify entitlements. That legislation was part of the health strategy published in November 2001; we are now moving into its fifth year and the legislation has not been published, which is a disgrace.

The HIQA legislation mentioned by the Minister of State, which has been given a raised status by the Government on the backing of the Neary report, was meant to piggyback the establishment

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of the HSE and not come two years after. I often wonder if it would have made a difference to the presentation of this legislation if the then Minister for Health and Children, Deputy Martin, had read his briefing notes regarding illegal nursing home charges. It has taken a long time for the Government to put forward the legislation.

The Minister of State, in mentioning dealing with issues regarding the elderly, discussed the policy for funding care of the elderly in future. This matter is of momentous importance to the Irish health care services. For the Government to deal with it as if it is a minor side issue which it will get around to when time is set aside is disgraceful. Our population is getting older and one in 20 of our elderly population will need some type of long-term care. At the committee meeting we heard that a large number of the acute beds in our hospitals are taken up by patients who would be more appropriately placed in long-term care.

Where does the Government stand on this and other issues which have been around for the past 10 years? It has published four reports, including the Mercer and the O'Shea reports. There were probably more reports. If a question was put down to the former Minister for Health and Children, Deputy Martin his usual response was another report. The matter has now gone to Cabinet, which is considering another report, although it has not yet published it. One would have to ask if this is complacency, incompetence or whether the Government is sound asleep on such a major issue? There are many issues cropping up in this House with regard to care of the elderly and I am shocked to think we do not yet have a published a policy.

The Tánaiste leads a charmed existence. I believe Deputy McManus and I are asked more questions about what we would do in Government than the Tánaiste is asked regarding what she is meant to be doing in Government. Every time Deputy McManus or I are on the radio we are asked what we would do. The easiest answer I would give is that I would do more than the present Government. This would not be all that good, as it would not give the patients any significant improvement in the current service. We should question the whereabouts of all the policies and legislation promised. It may be time for the national media to take notice of what is happening in this House.

Would the Minister of State care to speculate on how many major health Bills go through this House every year? Disregarding amendments, the average for the past three or four years is one per year. At today's committee meeting, the Tánaiste stated we would have legislation on the Medical Practitioners Act, although we have waited ten years for it; the pharmacy Bill, although we have waited five years for it; HIQA

legislation; and nursing legislation. I fell asleep at that stage, perhaps Deputy McManus can remember the rest of the list. The Tánaiste has promised five major Bills between now and year's end, when her average record to date has been one per year. I do not believe it will happen, and we should be realistic.

I have a point on which the Minister of State might comment before this legislation goes through the Houses, as it requires a clear answer from Government. The Government was caught out on this issue and belatedly responded to it, although officials from the Department of Health and Children did their best to inform the Minister and Ministers of State. However, the then Minister for Health and Children, Deputy Martin, and his Ministers of State did not take much notice at the time. There is a big question which could make this look like small change. The 2001 legislation gives everybody over 70 a statutory entitlement, and there is a difference between a statutory entitlement and something at the discretion of a CEO.

If people over 70 went into a private nursing home because a public bed was not available, on the basis of their statutory entitlement will they be able to claim a refund for private nursing home costs if somebody succeeds in bringing the issue to the Supreme Court? It is currently going through the courts. That is my reading of it, and I may be wrong. However, the issue is being evaded by the Minister, and the focus is on what is now legal and how the problem has been dealt with. This is similar to what Deputy McManus and I discussed with regard to the Travers report.

We believe this issue came up in bright flashing lights in the Department of Health and Children during the construction of the 2001 legislation. Two years later we still have no clear answer as to whether we are right. Before this Bill is processed we need a clear answer on whether the patients currently going through the courts looking for refunds for private nursing home charges on the basis of the 2001 legislation are wasting their time or if they will succeed. If they succeed we may be here next year or the year after thinking that the €400 million or €500 million now under consideration is very small change.

Paradoxically, the Minister has in the past been criticised because of undue haste in putting legislation through the House. The manner in which the Health Act 2004, which established the HSE, was put through was seen to be with undue haste. We are now paying the price. The same can be said of the original legislation from which this Bill emanated. It was rejected by the Supreme Court and had to be submitted again to the House because the Government got it wrong. The Minister gets it wrong so often when legislation is rushed, but the Government was very slow in getting this legislation before the House. Why are we dealing with this legislation 14 months after

the problem? Why was the legislation not dealt with last year? These people are, for the most part, in their final years in long-stay care and will only have a short time to enjoy their refund. I return to what the Minister said about people in long-stay care. The average length of a person's stay in a nursing home is two to three years, not a long time. The Department of Health and Children made *ex gratia* payments of €21million to 10,800 people and, as the Minister of State pointed out, the HSE, which assists the new organisation making the repayments, will have to repay people who are alive first. He said they accounted for approximately 10,000 of the cases with which the HSE is now dealing. The Minister of State may correct me but I deduce from those figures that anything up to 5,000 people eligible for repayment from the time of the first legislation in November 2004 are now deceased. If the Government continues at that rate most eligible people will have passed away before it even starts making the repayments. All the fine words about looking after those who are alive and about being a caring Government is so much bunkum.

The Supreme Court reinforces this in its statement that, whatever expectations may exist, it is an indisputable fact that the Bill will affect very many people who are old, poor, disabled, mentally or physically or, in many cases, all of these. As already stated, patients so situated will have little or no capacity to understand their rights under the legislation or to protest the unlawfulness of the charges. Nor will they, as it seems, have the pleasure of enjoying the refunds being made by the Government.

An explanatory memorandum provided by the Government, which the Minister of State had to correct, was very thin, only consisting of one page. We are accustomed to receiving more detailed memoranda like the Minister of State's speech, wherein he covered each section of the legislation and explained it in more detail to us. I would have expected that, with more than a year to prepare the legislation, the explanatory memorandum would have contained more detail. It makes it difficult to understand what is happening.

Section 3 allows the executive to enter into an agreement with a person to provide services for the purposes of this Act. During the period we were waiting for the Minister to publish this legislation we were told the delay was due to the fact that outside companies were quoting up to €50 million to administer the scheme. As Deputy Kenny said, we have asked on a number of occasions why the HSE cannot do this. As the Minister of State has pointed out the HSE seems to have successfully dealt with the 10,000 people who are alive in a very short period by making the *ex gratia* payments, which means they must have accessed a significant number of their records. I am surprised we are considering an out-

side company and paying it up to €40 million to make the additional repayments for the 40,000 to 50,000 people who are deceased. If there is a delay caused by the HSE doing the work, it will not make much difference to their estates and certainly will not make any difference to the patients. I am surprised that the HSE states it is not capable of doing the job, when it seems to have been perfectly capable of dealing with matters up to this point. In some respects the Government is passing a vote of no confidence in the HSE by outsourcing something which is a public administration matter. The mistake was made by the Government and should be dealt with by the HSE if it is to demonstrate the improvement it has supposedly brought to the health services. The HSE began collecting information on who is entitled to repayment. Employing consultants to administer the scheme sounds strange when the HSE has already managed to make *ex gratia* payments worth €20 million to more than 10,000 people.

The Minister of State said the consultancy firm will be engaged in April. Is that the case? Have contracts been signed or will we have to wait for that to be announced at a later stage?

I hope the forms patients or their families must complete will be as simple as possible. I do not believe patients or their families should be required to make claims in duplicate. If the HSE has most of the information there will be no need for patients to complete additional forms. Whatever way it is administered I hope the forms will not be used as a delaying tactic to avoid making the repayments.

Section 5(3)(a) and (b) provide that applications made after 1 January 2008 or such later date as the Minister may prescribe will not be considered. However, there is no deadline by which repayments must be made. I have often thought it would be reasonable for such a timeframe to be included in legislation, within which people could expect a repayment to be made, especially when a time limit for claiming a repayment has been set. We need to speed the process up to make sure people who are alive are paid as a matter of urgency. A deadline should be set whereby repayments must be made having regard to when applications are received. Those who already made application to the Department could benefit from a shorter deadline.

As the Department has been dealing with this matter for so long I expected it to have more accurate figures for the number of people eligible to claim. We have calculated that there are approximately 5,000 people alive to make a claim. That the Department knows that and the details of the people involved means the money can be repaid quickly. I am surprised the Department does not have more accurate figure for those due a repayment. The average repayment to each person is between €12,500 and €15,000 so figures

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between €500 million and €1 billion are wild and do not stand up to scrutiny. I did not get the opportunity to divide €500 million by 15,000 but there is a huge difference between €500 million and €1 billion in respect of people who may be due a repayment. I am surprised the Minister of State has not distilled the figures into a more accurate number for presentation to the Dáil today.

It is unusual for legislation, even legislation pushed through the House on the back of a Supreme Court decision, not to be costed. I return to what Deputy McManus said earlier. If our parties made legislative proposals without costing them sneering Ministers on the other side would waste no time reminding us. They would ask us how much it would cost the State but the same geniuses, who have been sitting on this for the past three years, are bringing forward legislation they have taken two years to prepare and 12 months to bring before the House and cannot tell us how much it will cost. They say it will be somewhere between €500 million and €1 billion. If Deputy McManus or I brought forward a policy that we said would cost the State between €2 billion and €4 billion we would be laughed at. The Government does not know how much it will cost the taxpayer after spending a year and a half working it out. That is sloppy work from the Tánaiste and Minister for Health and Children, who prides herself on all things being transparent and on taxpayers getting the best deal. I am surprised she has not sat down and read the memoranda but has, instead, taken the figures as gospel without even picking up a calculator. She has more than enough advisers to do the work for her. I could have done the work for her myself if I was not present at the same joint committee meeting for four hours this morning.

Section 12 states the Revenue Commissioners may request, in writing, the scheme administrator to provide it with such information as will assist the commissioners in performing their functions relating to tax liabilities. Having regard to provisions made in the Bill, section 12 is a very general requirement. The number of people still alive and entitled to this repayment is quite small and they will not be assessed for means tests for social welfare schemes. This is something of a red herring because such people are patients in nursing homes and will not be applying for the home care package or anything else. All they expect to receive is the payment for illegal nursing home charges.

This section of the legislation serves to keep the Revenue Commissioners informed of money transferred to estates so the Revenue Commissioners can seek whatever inheritance taxes are due. Why is this not clearly stated in legislation? Some suggest we should use better and more simplified language and that certainly applies to this

section. This could be clearly communicated by stating that information regarding moneys of those deceased will be sent to the Revenue Commissioners. There is no need to suggest that the Government is accountable to the people. A clause should be inserted on Committee Stage to make this clear.

This legislation also refers to patients' private property accounts. If this legislation is two years too late, considering patients' private property accounts is 20 years too late. The Minister of State referred to an oversight review and better management of patients' accounts. The reason we are concerned about this is that we are about to pay a maximum of €40 million into patients' accounts. Does the Minister of State with responsibility for elderly people in public institutions have any idea how much money is in patients' accounts?

Mr. S. Power: Approximately €60 million.

Dr. Twomey: What checks and balances exist to protect patients in the administration of this scheme? It is important that the Minister of State inform us of this.

Patients are a small, vulnerable group. If they wish to change the way the HSE manages their accounts they must make their decision known in writing. The elderly must take the initiative to protect their money and this obligation should be removed. The HSE should not await such written instruction and I am against the idea of elderly people being compelled to take action if they wish to protect their assets. This section should be re-examined.

The Minister for Justice, Equality and Law Reform likes to refer to Third Reich regimes and super-states and an element of this can be seen in this measure. We should allow elderly people to look after their money. The legislation refers to the obligation on the State to apply to the Circuit Court to spend €5,000 of patients' money. If patients wish to object to anything in this case they must make submissions in writing. This should also be examined.

The Minister of State referred to a scheme whereby those who do not wish to take back the illegal charges can pay the money to an account. This money will be dealt with in a manner similar to the dormant accounts and will be used for services for care of the elderly. I have two problems with the section, caused by the complacency of the Minister for Health and Children and the Minister of State at the Department of Health and Children, Deputy Seán Power. What is the structure of the account? What services will be provided from the account? Referring to ring-fencing services for the elderly is of no use. The Minister of State should state clearly what services will be provided.

The Minister, the Minister of State and backbenchers have stated they have met many people who wish to donate this money in recognition of the care and attention family members received. The Minister of State should know how much money is to be donated. Perhaps this is difficult as he must first tell people how much they are entitled to. Before people donate this money in recognition of the care of an elderly relative, they would like to know how the money will be spent. They might object to the money being allocated to a spending spree for Fianna Fáil before the next general election. They might not be keen on Fianna Fáil forming a Government for the next five years and might seek a more sensible destination for the money.

Mr. S. Power: Deputy Twomey should not be giving them ideas.

Dr. Twomey: The Government should make it quite clear how this money will be used. A number of areas seek long-term care facilities. The Minister of State should consider the case of the Community Hospital in Dingle, a nice area to visit in the summer. The long-stay care facility in that hospital takes up three floors, with elderly male patients on the ground floor and elderly female patients on the first floor. The lay-out of the top floor is exactly the same as it was during the famine when patients used to sleep on straw. The straw used to be kicked out of doors on the gable wall.

The Minister of State should demonstrate that such facilities are going to be changed with the money donated to this account. Stating what projects the money will be used for may encourage people to make these donations of the money repaid. At present people believe this money will return to the Government and be lost in Exchequer funding.

The Minister of State should ensure that mistakes made during the benchmarking process are not repeated in this case. All records of deciding how people received benchmarking awards were shredded and we will never know why some grades received 17% and others 5%. This information should be accurately gathered and stored carefully so we know how the repayment was calculated. Estates and elderly patients should also receive an explanation of how the refunds were calculated. This would be a sign of good governance and accountability in the administration of the scheme. It would be a first for the Department as the Government has removed much legislation that would make it accountable to the people.

A section of the legislation refers to appeals and this should be the only reason for a delay in payment. The appeals process should be managed by the public services. The Department of Social and Family Affairs deals with appeals on a reg-

ular basis, as does the HSE. I see no need for the appeals process to go to a private company. If these appeals go on for too long — we will wait until the Minister tells us about the new scheme set up to administer it — it could be a nice earner for some company for a long time into the future. Appeals processes could go on forever and this company would administer them indefinitely because, as I have already stated, there is no finite date to limit how long this company will operate. The appeals process should return to the public service and should not be part of the contract for the company that administers this. The company should make its decision and hand over all its records to the HSE, which can handle the appeals process using its expertise in social welfare. Otherwise this could continue *ad infinitum* at great cost to the taxpayer.

An Ceann Comhairle: The Deputy has one minute remaining

Dr. Twomey: I have not even started on some cases. If I have only one minute I will discuss the need for more protection for patients in the system. I hope this becomes a topic for discussion in the House. Too much of what we have seen happen in the last six months, and too many of the reports published by the Government are on what has gone wrong with our health service. We need a patient safety authority. The Government must take responsibility for failing patients on this issue and we will need an independent authority to look after patients' interests, which the Minister has not achieved. I hope the Minister takes my views on board and I thank him.

Ms McManus: This legislation is the latest element in a long and sorry saga on elderly people who have been in State care and have a right to be protected by the State. Regrettably what happened to them was anything but protection and it is important we examine the background on how we reached the point where we are considering this legislation. The original legislation set out in 1970 was not found to be defective. The interpretation of the legislation by the Department of Health and Children which was issued to the health boards was found to have been breaking the law. People with medical cards in public nursing homes, welfare homes or contract beds that subsequently became established in private nursing homes were illegally charged. Although it is clear the original regulations and directives sent out were not signed by a Minister, one Minister detected that a wrong had been done to vulnerable people. In 1987, for a short time, the late Mr. John Boland was Minister for Health. He found that this wrong was being done and confirmed that he would like to bring a proposal to Cabinet to resolve it. It was not completely unknown about. I suspect the fact he was a lawyer and come through the health board

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system assisted him in his detection. His decision is on the record and it is regrettable that when we came to investigate this matter we could not explore what happened because the incoming Government appointed a new Minister for Health, now the Ceann Comhairle.

An Ceann Comhairle: The Ceann Comhairle should not be the subject of discussion in the House.

Ms McManus: I am simply giving an historical statement.

An Ceann Comhairle: The Deputy may speak on previous Ministers but not on the role of the Ceann Comhairle.

Ms McManus: The former Minister for Health, who now occupies a different role, Dr. Rory O'Hanlon, felt unable to come before the committee and shed some light on why the decision to deal with this issue was abandoned by the new Cabinet and why the matter was not dealt with. Had it been addressed then it would have saved the State and the taxpayer a large amount of money. It is a pity that record was not provided so we could know what happened at the time.

The next time there was a possibility of ministerial action to deal with the issue was in 2003 when it was clarified by the over 70s scheme, which altered the nature of the GMS by adding a new element to it whereby over 70s, regardless of their income, would qualify for medical cards. The repercussions from that decision were such that alarm bells began to ring. To his credit the CEO of the then South Eastern Health Board took legal advice, which highlighted a serious problem that needed to be addressed, as already identified by Mr. Boland. The group CEO meeting of 16 December 2003 dealt with the issue. Although events before, during and after that meeting should have ensured ministerial engagement in action, that did not occur. As was normal departmental practice, briefing material was e-mailed to participants on the day before the meeting. This included legal advice furnished by the South Eastern Health Board. This information was received by the then Minister for Health and Children, Deputy Martin, his two junior Ministers and his special advisors. Of these five persons only one, Deputy Tim O'Malley, read the brief. He immediately understood that if the legal advice was correct it would give rise to significant legal, operational, financial and political implications. However, the PD Minister neglected to take any further steps on the matter. This is curious because although the PDs has always lectured us about value for money, in this instance it was not an issue. The then Minister of State at the Department of Health and Children, Deputy Callery, did not read the brief but

attended the group CEO meeting, and appears to have understood the significance of the issue and volunteered to brief the Minister for Health and Children, which he did not do. He said he spoke to the Taoiseach but it is unclear whether he did. Two special advisors, paid for by taxpayers, attended the meeting but did not read the legal advice before or after the meeting. Although they knew the issue was important enough to require referral to the Attorney General, they say the penny did not drop. According to former Secretary General, Mr. Michael Kelly, he briefed the Minister on the margins of that meeting as the Minister arrived late and had missed the discussion on the issue. He also stated the Minister was subsequently briefed. Deputy Martin said he was not aware the issue had been on the agenda, that it had been discussed in his absence or that the meeting had decided to take action to resolve it. He said that subsequent to that meeting his junior Ministers, advisors or his Secretary General did not raise the matter with him again. It follows that he was unaware that a letter seeking the Attorney General's advice had been drafted and lay unsent in his Department for over a year.

The issue of unlawful charges may have been serious, but was about to become a crisis. While its origins may be explained by systemic corporate default, the issue had directly engaged the most senior minds in the Minister's Department, none of whom could have failed to share Deputy Tim O'Malley's analysis that it gave rise to significant legal, operational, financial and political implications. However, Deputy Martin maintained that he was not responsible. He said: "Ministers can only bear responsibility for issues in respect of which they are properly and adequately briefed". The Minister was briefed on the issue. The only reason he was unaware of it was that he had not read the brief. That admission on his part was compounded by the failure of his junior Ministers and advisors to raise the issue with him at a later stage. It is important to retrace that. There is a fundamental issue here regarding ministerial accountability. It does not bother the Government at all. It is as if ministerial responsibility belongs somewhere out in the ether. It bothers the Opposition. Fine Gael and Labour produced a joint document, *The Buck Stops Here*, which deals with a range of issues on better governance, accountability, managing the State's resources better, financial planning, accountability and the definition of roles. The relevant point is in the definition of the Secretary General's responsibilities and of ministerial responsibilities and accountability. I have no doubt the former Minister for Health and Children, Deputy Martin, was culpable and should have resigned. To this day, he has gotten away with abdicating his responsibilities in a way that

is damaging and does nothing for the profession of politics.

On the original issue, the kernel of the problem is that the State broke the law, mugged the elderly and frail and, when this issue came into the open, thanks to Deputy Perry, who deserves recognition as a result, the Minister, Deputy Harney, introduced legislation so she could get away with it retrospectively and claim the charges were legal all along. Everybody knew the charges had not been legal all along and that a basic untruth was being promoted by the Minister and enshrined into law. At the time, I argued she was running a great risk and that the Bill would be found to be unconstitutional. Regardless of this, she proceeded with it against advice. We all know what happened; the Supreme Court found the Bill was unconstitutional.

The rights of the elderly and the frail had to be vindicated in the Supreme Court because the Government had failed to vindicate them. The original error was compounded into an injustice and this is part of a very sad and sorry saga. It is now almost 14 months since the Supreme Court rejected the Bill as unconstitutional. Since then, this issue has been raised many times by the Opposition. Initially, there was great optimism on the part of the Minister but it seems to have declined a little since she started out in her job. I remember the days when she was very gung-ho just about everything. She was to sort out the accident and emergency crisis, knock the consultants' heads together and do the devil and all. She was to provide for the repayment of nursing home charges last autumn and she then changed the date to Christmas. I was getting a wee bit embarrassed — I do not believe one can embarrass the Government — because people were asking me when provision would be made. Legislation has now been introduced but it is unnecessarily complicated because of the approach of the Government. It states who qualifies and who does not.

The legislation also outlines a very curious system of establishing a scheme administrator and a system of administration that does not stand up to scrutiny. There is a certain ideological stance, which I presume emanates from the Minister for Health and Children because she is always arguing for it, to the effect that private equals good and public equals bad. This kind of superficial, ideologically right-wing approach informs the legislation.

Why do we need private consultants to operate a repayment scheme? It is not so long since a major issue arose regarding equality in respect of payment for married women. The State fought it tooth and nail, even at EU level, but the EU court said the State should get its act together and repay the women because they were entitled to the money. Many kitchens in Ireland were refurbished as a result of those repayments and they

brought a great deal of joy to women who benefited. It was not private consultants who operated the system. Proinsias De Rossa was the then Minister for Social Welfare.

Why in God's name do we need a separate system to process the claims? The NTMA was given the job to make payments in respect of claims. It is perfectly adequate and I do not hear anybody complaining about it. Even as late as this morning, the Department of Social and Family Affairs was praised for getting its act together regarding accountability. It gives out money all the time. Therefore, what is the rationale behind the proposed system, which will add to the cost? There is no guarantee that it will be better or more efficient. I do not understand the argument.

The Department has already engaged in a tendering process in which none of 11 applicants was found sufficiently suitable. Various companies and groups of general practitioners were invited to provide out-of-hours cover in north Dublin. Last week, the HSE collapsed the tendering process, which it chose to engage in without justification. The Minister has collapsed the tendering process and we are now talking about seven companies going forward. There is no justification for the establishment of the complicated and costly structure proposed given that we have the capacity to do the job within the Civil Service. We all know the Civil Service generally provides a good, professional service and we should trust it rather than continually choosing independent consultants.

Surely the waste of €150 million on the PPARS has taught us something. Bearing in mind the consultants who were doing the technological work and those overseeing the project, the project was a total mess. It was also a cash cow and the companies involved were in a position to milk the system for all it was worth until Professor Drumm shouted "Stop".

We know €50 million was spent on the service under discussion, as indicated in the media. I can think of many projects on which this could be spent if it were not spent on private consultants. The Comptroller and Auditor General has a role in this regard. He normally has the job of auditing after money has been spent. However, could he not make assessments before money is spent to determine whether the approach adopted is the most appropriate and gives taxpayers the best bang for their buck? This question has not been answered.

I allude to an important issue raised by our legal advisers. I have a horrible feeling in the pit of my stomach that this legislation will lead us into difficulties similar to those that arose in respect of the last Bill dealing with repayments. The advice states:

Just one point about this Bill, apart from its tortuous complexity, the utter inadequacy of the Explanatory Memorandum and the failure

[Ms McManus.]

to articulate any view as to who should manage the repayment process.

I have already made a point on management but a particular point needs to be highlighted. In this regard, the advice also states:

Section 17 contains what seem to be bizarre provisions. They enable the “scheme administrator” (which may be the HSE itself or its appointee) to report his or her opinion that a repayment has been procured by fraud or misrepresentation. If the HSE is satisfied that this is the case, the sum then becomes automatically due for repayment to it and the HSE may recover the amount through court proceedings “as a simple contract debt”.

In other words, it does not have to prove the fraud or misrepresentation to the satisfaction of the court. Its own opinion as to fraud makes the sum repayable and the court proceedings are reduced to the form of proceedings for the recovery of a contract debt.

I don't believe there is precedent in any statute for a procedure which, on its ordinary interpretation, seems intended to prevent a defendant from raising in court as a defence to those proceedings the argument that the HSE's opinion is misconceived and wrong.

I don't believe the section would withstand constitutional challenge. This matter needs to be investigated urgently. It would seem to be natural justice that if the HSE has decided that somebody has defrauded or made misrepresentations, they should have normal legal rights. In this case the only point at issue would be the HSE seeking payment of a simple contract debt. I am reminded of the debate we had on the original repayment scheme in December 2004, when the Tánaiste was so gung-ho about getting it all correct. At that stage I urged her to think again. I said:

It is important that the constitutional aspects of this legislation should be scrutinised fully and that we should be given time to ensure everything is done to address this issue. There is agreement that the matter must be addressed and there is also universal agreement that services must be paid for. The Government has failed to deal with the issue of long-term care for the elderly. Reports are produced but nothing happens. Hopefully, progress will be made in the next year but, in the meantime, it is absolutely wrong of the Minister to sacrifice vulnerable and voiceless people to whom a wrong has been done.

The principles of being constitutionally sound and protecting the vulnerable are as valid in the debate we are having today as they were in December 2004. If the Bill is enacted and the Act stands up, that will be fine. My job is to raise issues, and the last time I raised issues on this

point, the constitutionality of the Bill was found to be unsound. I warn that the issue may need to be addressed to ensure that the Bill will not be struck down at some future date.

It struck a chord with me when Deputy Twomey mentioned application forms. Sometimes when we pass legislation we do not think of the practicalities. People find complex application forms so intimidating that they will not pursue their rights. At a recent clinic a young couple brought me a local authority housing application form, which is a standard form throughout the country. It took me approximately half an hour to complete the form with them. I was very surprised at the questions asked on the form. One part is a voluntary statement that included questions about the applicants' religion and sexual orientation. The form is from the Equality Authority and I presume the intentions are good, but something has gone mad in the system of bureaucracy if we are asking young couples about their sexual orientation when they seek a local authority house.

The length of the form over several pages makes it extremely intimidating for people. Some people do not apply as they may be illiterate and the idea of completing forms and dealing with bureaucracy is overwhelming for them. This is a very clear-cut case — the money was robbed and should be given back. The scheme exists and we do not need much detail in it. The CSO is objecting to delivering a piece of paper regarding the electoral register because it is too complicated and difficult. However, we seem to have no difficulty when it comes to Departments asking many questions to ascertain something very simple.

I am glad the Minister of State has referred to some of the issues relating to the care of the elderly. I am not very confident that we are making much progress. We have had a number of reports and a task force is sitting. It is time we had a clear strategy for care of the elderly. The numbers will double and we have an elderly population who are entitled to the best we can offer. Since November I have been seeking information on the number of community care beds. At this morning's marathon session of the Joint Committee on Health and Children I was able to discover approximately how many community care beds we have for the elderly — I still do not know the total amount. The HSE has a strategy to introduce 1,500 new beds up to 2010, but I am not sure that will be enough. If we are to move the elderly people who could be discharged from acute hospitals into the community, I suspect we will need more than 1,500 beds, but at least it represents progress.

Yesterday the Taoiseach told the House that the problems in accident and emergency departments are down to the 411 people inappropriately placed in acute hospital beds. I imagine that most of them are elderly people. While the Taoiseach uses this as his excuse, why has he not dealt with

the problem? We need high-dependency beds, community beds and public beds in the community. The excessive reliance on private nursing homes will not resolve the issue of step-down facilities. I was very heartened to hear the HSE spokesperson stating that high-dependency beds should be provided by the public sector. However, we will need to see the financial implications. We will need to see if the Tánaiste will relent somewhat in her obsession about privatisation and give a few bob to provide public beds.

There is an issue about the time this will take. On the one hand we are saying that 1 January 2008 is the cut-off point. However, many people who were owed money have already passed away and many more will do so in the next while. It is important to have a speedy response, including setting target dates for them to get their money back. If there was real commitment in the Department or if there was not so much reliance on the private sector, it would probably be easier to manage. Deputy Twomey has raised a key issue, with which I agree.

It is extraordinary that we do not know how many people will be included in the net. There is a real problem with data collection, which showed up very starkly following the introduction of medical cards for the over 70s. I have absolute regard for officials in the Department of Health and Children. They did not initiate that scheme. It was a Charlie McCreevy politically motivated scheme into which the Department of Health and Children was bounced. It provided figures, which were so inaccurate that they represented only half of the true cost. It showed up the inadequacy of data collection in the health service. In this instance we again see the problems that arise because of poor data collection, which matter needs to be addressed.

We should know how much the repayment scheme will cost. The Tánaiste has mentioned a figure of €1 billion and a figure of €500 million has been floating about. We should also know how much money will be returned to the State, which is simply a mathematical matter.

Mr. S. Power: How could we know that?

Ms McManus: The Minister of State should give some indication as to how much he believes it will cost and how much will come back to the State, as we would then know the real cost. The Minister of State has had 13 months to work on this.

Mr. S. Power: Does Deputy McManus know the six numbers for Saturday?

Mr. F. McGrath: The Minister of State should do his sums. He is referring to the national lottery.

Ms McManus: I know what he is talking about. I cannot believe my ears.

Dr. Twomey: It is Government policy.

Ms McManus: A Government should be able to manage the country's financial affairs. I am aware this Government does not understand this concept but this is the job of a Government. This is the function of the Estimates process and the budget. It concerns financial management and ensuring that money is wisely spent. The Labour Party and Fine Gael were forced to produce the policy document entitled *The Buck Stops Here* because the Government's record is so poor. The Opposition is telling the Government how to manage our financial affairs. I strongly recommend that the Minister of State considers reading our document before he gives facetious answers.

I want to ensure that elderly people or their estates receive the money in the best and quickest way possible. However, our job is to ensure that the taxpayer is not ripped off. It will be a difficult job because the one thing this Government excels in is ripping off the taxpayer.

An Ceann Comhairle: Deputy Finian McGrath will share time with Deputies Connolly, Gormley and Ó Caoláin.

Mr. F. McGrath: I thank the Ceann Comhairle for the opportunity to contribute to this very important debate. As Members of the Houses of the Oireachtas, we have a constitutional responsibility to support, respect and look after elderly people. It is a human rights, community, political and taxpayers' issue which is impossible to avoid. A society that does not look after or respect its elderly people is going nowhere. The debate must proceed from this point.

This debate concerns the most significant robbery in this State in the past 30 years. The decision by the Supreme Court to reject the Government's Health (Amendment) (No. 2) Bill 2004 confirmed the occurrence of the most significant theft of our time. I am speaking out on behalf of the elderly and highlighting the €3 billion taken from 300,000 older people over a period of 30 years. The implications of the Travers report were devastating and clearly revealed State-sanctioned elder abuse for three decades. It revealed a complete lack of political leadership by successive Governments and Ministers. It is not sufficient to blame the current Government as successive Governments must share the blame.

We must face the fact that care of the elderly is in crisis. The health system is sick and we must cure it. We need radical change and reforms. The Independent Members in this House will be a voice for people who are tired, disabled and incapacitated and help them to state their rightful claim to better services. Independent Deputies are demanding a guarantee of dignity for elderly people through adequate income support, priority in health care, back-up support when they are ill or convalescing and information about

[Mr. F. McGrath.]

entitlements as a right. These are our clear demands. We also demand the abolition of means testing and the implementation of a realistic level of financial support to ensure a better quality of life for carers and cared for family members. In recent years we have demanded the eradication of all health and social welfare waiting lists within a three-year period. We demand accountability from decision makers.

I am tired of listening to people who pass the elderly off, refuse to take them seriously or fail to treat them with respect. We must wake up to the fact that elderly people make a significant and positive contribution to the wider society. They have maturity and experience, qualities which cannot be bought by any society. I become angry when people mention bed blocking or tell older people to leave the workforce when they reach 65 or 70. If older people wish to remain in the workforce, they should have that right. They want to make a contribution to society. They have maturity and an experience of life which younger people lack and can make a significant contribution to society. I speak from personal experience as I have witnessed the work of many older people who are involved in social services or who work with people with disabilities, particularly intellectual disabilities.

This is the position held by the Independent Deputies. Approximately 444,000 people, or 11% of the population, are over 65 years of age. When one breaks down this figure, one discovers that approximately 266,000 people are over 70, one third of who live alone. It is not enough to state that the Government has responsibilities. We, as citizens, family members and neighbours, also have responsibilities. Sadly, despite our wealth and as a result of the fast pace of life, nobody seems to have any time for elderly people, which is to be regretted. This is something we had 20 or 30 years ago but which our so-called wealthy society has lost. There is nothing wrong with learning from experience and the past.

A further 13,000 elderly people who need high to maximum-dependency care continue to live at home on their own. We need to support these people, many of whose families make sacrifices to provide the best possible care for them. I demand that the Government immediately puts in place adequate resources and a comprehensive infrastructure for the care of elderly people. Elderly people and accident and emergency services will be top of the agenda in any programme put forward by the Independent Deputies in the future. I call on the Minister of State and the Government to support elderly people and put the necessary supports and service in place. Ireland is a wealthy country and it is our national and civic duty to support our elderly people. We must put an end to talking, roll up our sleeves and support the elderly.

Mr. Connolly: I welcome the opportunity to discuss the Health (Repayment Scheme) Bill 2006. This Bill which provides for the repayment of nursing home charges illegally taken from old people who knew no better and were, effectively, sitting ducks, is long overdue. The Supreme Court judgment, which was universally hailed, was delivered on 16 February 2005. I understand that repayment in full with interest accrued will be made to up to 70,000 people who were illegally charged nursing home fees. This is regarded as radical compensation and is likely to cost in the region of €1 billion.

The HSE appears to have two ways of calculating interest. Strangely, both methods benefit the executive. I understand that the HSE links interest with the consumer price index so that whatever €1 would have bought a person six years ago is applicable today. However, when people who owe the HSE money have to repay it, they are charged compound interest rates, which is a vastly different arrangement. A particular group of people are caught in this trap. These are women who were forced to leave the health service as a result of the marriage bar in the mid-1970s. When these women try to buy back service for pension purposes, they are charged compound interest rates, which is grossly unfair. The fact that they were forced to leave the health service a certain number of years was itself unfair and they are now being doubly penalised. A different arrangement should be introduced. If the HSE uses this method of calculation for moneys owed, it should also use it for moneys owed to the elderly people who were illegally charged nursing home fees.

I understand that more than 40% of the people concerned will be paid back promptly. However, I wait to see what "promptly" means and what length of time it will take for these payments to reach those from whom they were wrongly taken. The fact that it could take several years for 60% of the people concerned to receive their payments is particularly worrying. There are many sections within the Health Service Executive which have taken particular pains to identify people who were wrongly charged and a considerable number of people can be clearly identified at this time. As soon as this legislation passes through the House, we should make a special effort to ensure payments are made. This legislation took upwards of 14 months before it was put before the House. I do not know what difficulties the individuals who framed the legislation had. We have seen situations that might have suited the Government or the powers that be where legislation was rushed through the House in one day. If we were to deal appropriately with these matters that type of initiative might have been considered. Prior to Christmas I called for an *ex gratia* or goodwill payment to be made to these people, not necessarily the full amount, but at least sufficient to allow them to spend some money in their last few days. Ulti-

mately, their needs are not great, but if the money was wrongly taken, it is appropriate that they, rather than their relatives, might have the opportunity to enjoy it. Such an *ex gratia* payment might be the only portion of the due rebates that they will ever see. Many of those who had nursing home charges illegally levied for many years are in despair of ever living to collect one penny they are due. People do not spend all their lives in nursing homes. The average is about two years. There is therefore but a small window of opportunity in terms of putting the money into their hands.

I want to raise a number of other issues, but the onus is on the State to repay them in time. Pensioners are among the most vulnerable of citizens and their care is in somebody else's hands. We have messed matters up and there is an opportunity now to undo some of the damage. The main features of the Government's repayments scheme embodied in the Bill have been agreed as far back as May 2005. I ask that this initiative be put in place immediately.

Mr. Gormley: It was interesting to listen to Professor Drumm this morning at the Joint Committee on Health and Children, who told us we had fewer elderly people in Ireland as compared to the United Kingdom. The reason was given to us a few months ago by Dr. Sean Barrett from Trinity College Dublin, who said Ireland had the benefit of what he called a "demographic bounce", in that many Irish citizens who would be old at this stage had emigrated in the past to the United Kingdom. The economy benefited as a result, because the elderly cost money. In general people spend more money on health in their final years than in the whole of their previous life. That has helped this country economically, and yet what we see from this debacle is that those who have contributed enormously to Irish society were exploited. The most vulnerable people in society were basically robbed by the State. The Minister for Health and Children tried to rectify and justify this, and she was rightly shot down by the Supreme Court.

Professor Drumm spoke about accountability this morning and the better management of the health service. Like everyone else, I should like to see better management, but it was not clear to me at the end of our questioning how that was going to come about. How are we going to achieve this?

If there are certain hospitals in the State that are not up to scratch, and he seemed to be indicating there were, how are these people going to be called to account? Are managers of hospitals going to be sacked? It is not likely and so there is a real problem at the heart of the health service. What we see here today emphasises that because it was very much a case of sticking our heads in the sand on this issue. One has just to examine the lack of action on the part of a number of Ministers. The previous Minister for

Health and Children, Deputy Martin, apparently did not read his e-mails or his brief and yet is quite happy to continue in office. The former Minister of State, Deputy Callely, apparently read some sections of the reports.

Mr. Durkan: He read too much.

Mr. Gormley: Deputy Callely apparently spoke to the Taoiseach about them, as he sat on the steps in the Chamber. I took the trouble of going back and looking at the video and he did sit on those steps there and spoke to the Taoiseach, where the Minister of State, Deputy Power, is sitting now. They had a discussion of some description.

Mr. Durkan: Big brother is watching.

Mr. Gormley: I do not know what was said, but apparently the Taoiseach was informed about this.

Mr. Durkan: It is amnesia.

Mr. Gormley: The then Minister, Deputy Martin, was not informed and he got away scott free. We are now left with this mess and the Bill which has to be enacted. I want to go through some of the sections of the legislation because while it seems we have a framework, we could still be heading for the courts. We are looking at patients' private property accounts. In this context I want to mention something I have raised before. It seems the PD element of the Administration is pushing this, but there are problems on the horizon as regards the Government's approach. It is quite clear that while incomes in Dublin are 15% higher, homes there are also 15% higher. In other words, means testing care provision on the basis of a State-wide fixed figure would be triply unfair. Many of my constituents will be burdened with this in the future. Dublin families have paid a disproportionate amount of stamp duty revenue, suffered greater indebtedness and are now, in effect, being taxed on the basis of the paper value of a home that is entirely eroded because any replacement for it must ordinarily be found in the same market. That will come back to haunt certain people in the PD ranks of Government, who may know patients living in high-valuation properties, who will forfeit these assets, and their children will suffer as well.

As regards the appointment of an outside company I begin to wonder where is the Civil Service. We have a Civil Service to do a job and all we are getting is a continual outsourcing of business. We see from the public private partnerships in action throughout the State that they do not necessarily work, either for the benefit of the citizens or the State. At a recent meeting at Dublin City Council, the City Manager, Mr. John Fitzgerald, who has performed very well, was

[Mr. Gormley.]

quite candid in stating he did not believe the private sector could perform any better than the Civil Service. Why do we continue to give out work to private bodies? It costs the taxpayer a great deal more in the long-run. Taking just this element, already we are in difficulty. The Minister of State made it clear in his contribution that tenders were sought an initial procurement process was undertaken by the HSE in the latter half of 2005. There were 11 expressions of interest for the design and administration of the repayment scheme, and three were short-listed.

Debate adjourned.

Visit of National Assembly of Wales Delegation.

An Ceann Comhairle: Before moving to Question Time, I wish on my behalf, and on behalf of the Members of Dáil Éireann, to offer a céad míle fáilte, a most sincere welcome, to our parliamentary colleagues from the Environment, Planning and Countryside Committee of the National Assembly of Wales. They are with us today in the Distinguished Visitors Gallery and are led by their Chairperson, Mr. Glynn Davies. I express the hope that you will find your visit enjoyable, successful and to our mutual benefit.

Ceisteanna — Questions.

Priority Questions.

Decentralisation Programme.

1. **Mr. Bruton** asked the Minister for Finance his views on the implications of the Labour Court ruling that the FÁS management move to confine promotions in head office only to those willing to decentralise is in breach of existing agreements and in conflict with the voluntary nature of the decentralisation programme; and the options he plans to make available for staff in State agencies who exercise their voluntary option to remain in Dublin. [12756/06]

Minister for Finance (Mr. Cowen): Both the Government and I have made it clear that participation in the decentralisation programme is voluntary. From the outset guarantees have been provided at Government level that all those employees not wishing to transfer out of Dublin will be facilitated with an alternative public service post in Dublin. That position has not changed.

In the Civil Service, progress has been made in discussions with the general service unions on issues relating to transfer protocols, promotions and arrangements for staff remaining in Dublin. Discussions are ongoing on these issues with the unions representing the professional and technical grades in the Civil Service. I am hopeful these

and other decentralisation issues arising in the State agency sector can be discussed with the relevant unions with a view to arriving at arrangements which support the decentralisation process while also meeting the concerns of staff.

Turning now to the issues arising in FÁS, I think it would be helpful at the outset to refer specifically to the Labour Court ruling. In its recent recommendation in a dispute between SIPTU and FÁS concerning decentralisation and FÁS contracts of employment, the Labour Court considered the written and oral submissions of the parties. The court also noted the terms of the company-union industrial relations procedures agreement and said that it was of the opinion that FÁS was in breach of the consultation procedures provided for in that agreement. It made no ruling on the substantive issue of the relocation clause.

The court recommended that the matter be referred back to the appropriate central body, at which level the issues should be teased out with a view to arriving at agreed long-term solutions, in consultation with all the parties involved. I strongly support the full use of existing industrial relations structures by all the parties involved and believe that this represents the best way forward. I would therefore encourage all the parties to the dispute to engage in central discussions as recommended by the Labour Court. It is only through dialogue that the issues raised can be addressed. On this issue, I understand that FÁS has accepted the Labour Court recommendation and is available for talks. I hope that SIPTU will also be agreeable to participate fully in talks to facilitate an early resolution of this dispute.

Mr. Bruton: In the context of FÁS, what specific offers are being made to staff who, in almost 99% of cases, wish to remain in Dublin? What is the offer on the table in terms of the options for those who clearly wish to stay in Dublin? What negotiations are ongoing between the Department of Finance and SIPTU, which represents the vast majority of the workers involved, with a view to trying to find a resolution? What are the meaningful elements of that discussion in that this is a voluntary scheme and those who have expressed a wish to decentralise are in a tiny minority?

FÁS has moved against procedures by seeking to impose a condition that all promotions are conditional on staff being willing to move to the decentralised location. Does the Minister agree that he is in breach of all the elements of voluntarism that were to be involved in this process and that he is offering the workers concerned no alternative? As this also appears to be a feature of many other State agencies this case is a crucial one.

Industrial action has been approved by the workers concerned and the date for that action is fast approaching. What initiative does the Minister intend to take to try to resolve this matter?

Mr. Cowen: Regarding the policy on promotions, an agreement has been reached in the Civil Service with the general service unions in regard to the inclusion of a decentralisation condition in a proportion of promotions. Discussions are ongoing with the professional and technical staff in the Civil Service on this issue. In the State agency sector promotions must take account of the reality of decentralisation. In the absence of agreement with staff interests on the issue, management and the boards have responsibility to use available opportunities to progress Government policy on decentralisation.

Regarding the specific options that will be made available to staff remaining in Dublin, it is these issues that we wish to discuss with the staff interests in State agencies. We do not have a tradition of inter-organisational mobility within the State agency group. Progress on this issue will require the engagement of all the unions involved to arrive at an appropriate set of arrangements. The decentralisation implementation group, DIG, stated that it is precisely this type of ground-breaking initiative that is needed to give impetus to the implementation of the programme at State agency level.

However, in the normal course of events, vacancies in Dublin-based posts will continue to arise over the full transition phase of the programme due to retirements, resignations, promotions etc. I have already referred to the initiation of arrangements in the Civil Service for staff who wish to remain in Dublin. The primary mechanism for placing civil servants who are in posts which are due to decentralise but who wish to remain in Dublin is by way of bilateral transfer. As Civil Service staff who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. At present, in excess of 1,200 staff have been assigned to decentralising posts.

In addition, my Department has been in discussions with the Civil Service unions on further arrangements to facilitate the placement of Dublin-based staff. The objective of these arrangements is to provide to the Public Appointments Service details of staff who wish to remain in Dublin at each grade level so that a proportion of vacancies arising in Dublin-based posts may be filled by those staff. These arrangements have been recently initiated for general service grades.

In regard to the specifics of the dispute, the result of the Labour Court ruling was that FÁS did not abide by the consultation clause and that it must do so. The court did not deal with the substance of the relocation clause, as such, and there is a need for discussion on these matters with the State agencies union representatives. The DIG has suggested there is a need for a ground-breaking initiative in that area.

Mr. Bruton: The Minister is ignoring the issue. Nothing he said addressed it. He has not sug-

gested meeting SIPTU, for example, in respect of FÁS, although I read in the local newspapers that the Minister of State, Deputy Parlon, stated he would love to meet SIPTU to deal with FÁS. There is nothing on the table for FÁS workers in this industrial dispute. In any industrial dispute there must be some offer from the other side so meaningful discussions can take place, but there is nothing on the table from the Minister's side.

Will the Minister agree to park the provocative system of promotion under these rules that are deemed inappropriate by the Labour Court and will he, as the political head of this decentralisation process, sit down with the representatives of all the State agencies and trash out something that is workable for them all? What is happening now is unacceptable. The Minister is forcing people to move to strike action simply because the Government has not thought through what it has to offer to them.

Mr. Cowen: That is not correct. As I outlined to the Deputy, the Labour Court finding notes the terms of the company-union procedures agreement and stated that it was its opinion that FÁS was in breach of the consultation procedures provided for the agreement and it made no ruling on the substantive issue of the relocation clause. The Labour Court recommended that the matter be referred back to the appropriate central body at which level the issues should be teased out with a view to arriving at an agreed long-term solution in consultation with all the parties involved. I am saying that FÁS management——

Mr. Bruton: Government is the central body that will say what is going to happen.

An Ceann Comhairle: The Deputy should allow the Minister to speak without interruption. We have gone over time on this question.

Mr. Cowen: Yes, and both the Department, in terms of the public service, and the Department of Enterprise, Trade and Employment officials who deal with personnel matters are available on the basis of being able to get everyone around the table. FÁS management is available to discuss it, as the Labour Court ruling suggested it should, and we hope that SIPTU will also come to the table on that basis.

Departmental Expenditure.

2. **Ms Burton** asked the Minister for Finance if, in regard to his statement to Dáil Éireann on 25 January 2006 in which he revealed that €56 million that had been designated as capital spending for the Health Service Executive during 2005 had apparently been used on day-to-day current spending, he has received an explanation from the Health Service Executive or the Department of Health and Children as to the way in which this major breach of financial procedures happened; the steps being taken to ensure that such

[Ms Burton.]

a breach does not occur again; and if he will make a statement on the matter. [12648/06]

Mr. Cowen: The Deputy will be aware that, in December 2005, the Appropriation Act included €56.4 million in respect of capital carry-over from 2005 to 2006 for the HSE. This was based on information received in my Department from the Department of Health and Children to the effect that this capital saving would be achieved in 2005 and available to be carried forward into 2006. On 17 January last, my Department received provisional outturn figures for the HSE for 2005 from the Department of Health and Children which indicated that the capital savings anticipated by the HSE in December 2005 may have been used to meet similar sized costs under the current expenditure heading. Given that an amount of €56.4 million had been included in the Appropriation Act, it was incumbent on me to inform this House that this carry-over might not now be available. Accordingly, I took the earliest opportunity available to inform the Dáil by making a statement on the matter on 25 January last. I also indicated that the Department of Health and Children was awaiting final verification of the 2005 outturn from the HSE and that I was determined to ensure there would not be an adverse impact on the plans for the HSE capital spending in 2006.

Because of the uncertainty in regard to the HSE's capital spending, no provision was made for the HSE in the ministerial order providing for capital carry-over generally endorsed by the Dáil on 7 March last and which I signed on 9 March. I have now been advised by the Department of Health and Children that the HSE's Appropriation Account for 2005 has been completed. It shows there is an overrun of €300,000 on current expenditure and a saving of €51 million on capital expenditure — of course, the Deputy will appreciate that the Appropriation Account is still subject to audit by the Comptroller and Auditor General. In keeping with the undertaking which I gave earlier, I will be proposing a Supplementary Estimate of €51 million for the HSE at the appropriate time.

Ms Burton: Does the Minister regard as satisfactory the fact that the HSE and the Department of Health and Children should have been party to such a major error in the accounting system, the failure to distinguish properly between capital and revenue expenditure?

I am grateful for his explanation to the House. Does he regard it as acceptable that his explanation is entirely different to that which Deputy Harney, standing in the same place, gave to the House following the debacle when she stated that the previous guess was that the HSE would underspend current expenditure by €12 million whereas some €56 million had gone missing?

Will the Minister comment on a letter from an assistant secretary in his Department, Mr. David Doyle? Did he contact the Department of Health and Children and advise the Secretary General that it was the advice of the Department of Finance that an outside firm of accountants should be brought in to find out what had gone wrong?

Yesterday saw the announcement of a national health emergency as a result of PPARS and the unfortunate people on trolleys. Is an element of that emergency that the HSE and the Department of Health and Children seem unable to do what a first year accountancy student would be asked to do, to distinguish between capital and current expenditure?

Mr. Cowen: By way of background to these events, the Deputy will be aware that the establishment of the HSE in January 2005 with its own Vote, represented a major change in the management, organisation and delivery of health services. It involved the amalgamation of 17 separate health agencies that historically had accounted on an accruals accounting basis into a unified structure, eight of these agencies having had individual budgets in excess of €500 million. Moreover, as a consequence of the HSE being established as a Vote, with the attendant additional demands of accounting on a cash basis, it became necessary to derive a single cash-based appropriation account from these existing systems.

It is also necessary and important to recognise the practical issues associated with balancing an overall budget of €11,500 million during the first year of the HSE's existence. The chief executive officer of the HSE has argued that with the best will in the world, it was not possible in a very dispersed organisation to produce definitive accounts by the end of the first week at year end. Thus the figures available in January were provisional and somewhat different figures have now emerged.

I reject any suggestion of a major breach. Information was made available to me of a carry over on the capital side from the Department of Health and Children of up to 10% of its capital Vote which was €56.4 million and I included this information in the account. When it emerged in mid-January that this figure may not tally with the work being done by the HSE and because it was included in the account, I came to the House and informed the House of that fact. I informed the House that the appropriation account which is required by statute to be issued by 31 March, would clarify the issue as to what the precise carry over figure should be. The appropriation account has been signed off by the chief executive officer which as in the normal course of all appropriation accounts in Departments, will now be audited by the Comptroller and Auditor General during the course of this year and will probably be issued in September with his audited accounts.

The capital carry over figure is €51 million. I have given the House the background information. There was a considerable organisational change in the first year of the Vote, not only in personnel but also in structures, over a total budget of €11.5 billion. If the outcome of the appropriation account is as has been communicated to us from the chief executive officer, the current overspend on current account is just €300,000. The actual figure for the capital carry over was not €56.4 million as intimated to me but €51 million. It is important to bring this to the attention of the House which I am doing by way of the reply to the Deputy's parliamentary question. Given the context and the background, what has emerged as the eventual outcome is a difference of €5.4 million on the capital carry over side.

Ms Burton: This is a severe embarrassment for the Minister. It is the first time the Minister for Finance has had to apologise to the House——

An Ceann Comhairle: A question, please, as we are rapidly running out of time.

Ms Burton: I have a question. The Ceann Comhairle allowed the Minister speak at great length so I presume I will be allowed put a word in also.

An Ceann Comhairle: The Chair has no control over the length of time that anybody speaks but we are out of time for this question——

Ms Burton: The Minister was forced to apologise to the House——

An Ceann Comhairle: I ask the Deputy to confine herself to a brief question.

Ms Burton: The Minister did not answer the question I asked him, whether the assistant secretary of the Department of Finance, as reported, was forced to advise the Department of Health and Children and the HSE on the use of outside accountants. If this were to happen in a private company quoted on the Stock Exchange——

An Ceann Comhairle: We must conclude this question because we have already spent seven minutes on it.

Ms Burton: ——somebody would have to take responsibility and resign. Nobody in this Government takes responsibility. We have PPARS and trolleys and a national health emergency.

An Ceann Comhairle: The Deputy is making a speech and there is no provision for Second Stage speeches at Question Time. We have gone three minutes over on this question.

Ms Burton: I asked a question the Minister has not answered.

An Ceann Comhairle: A very brief answer from the Minister.

Mr. Cowen: I can only answer when the Deputy has concluded the question. I did not come in to apologise to the House; I came in to notify the House.

Ms Burton: The Minister came in to apologise.

Mr. Cowen: I refer the Deputy to my statement in which I set out the technical position.

Ms Burton: It was a humiliation.

Mr. Cowen: Does the Deputy wish to hear the answer?

I did not come in to the House to apologise but to notify the House that the €56.4 million was not going into the Revised Estimates volume and that I could only get confirmation of what the precise capital carry over was when the appropriation account due by 31 March was to hand. I have given the background of the organisational changes which took place in the first year.

The real issue is that despite the efforts made by some to misrepresent the position, there is a current account overspend of just €300,000 on a total current capital budget of €11.4 billion and an actual capital carry over of €51 million instead of what was envisaged at €56.4 million. Subject to the audit by the Comptroller and Auditor General confirming that matter, this is something of a storm in a teacup.

Decentralisation Programme.

3. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will confirm that relocation for public service workers under the decentralisation programme is entirely voluntary, is not linked to promotional prospects and is based on consultation procedures; the mechanisms in place to ensure that this is the case in practice; and if he will make a statement on the matter. [12711/06]

Mr. Cowen: As I have stated earlier, both the Government and I have made it clear that participation in the decentralisation programme is voluntary. From the outset guarantees have been provided at Government level that all those employees not wishing to transfer out of Dublin will be facilitated with an alternative public service post in Dublin. This position has not changed.

Progress has been possible in discussions with the Civil Service general service unions on issues relating to transfer protocols, promotions and arrangements for staff remaining in Dublin. Discussions are ongoing on these issues with the unions representing the professional and technical grades in the Civil Service. I hope these and other decentralisation issues arising in the State agency sector can be discussed with the relevant unions with a view to arriving at arrangements

[Mr. Cowen.]

that support the decentralisation process while meeting the concerns of staff. In the meantime, practices in decentralising organisations relating to recruitment, promotion etc., must take account of the reality of decentralisation.

Undoubtedly, there are complexities involved in the State agency aspects of the decentralisation programme which do not exist in the Civil Service. The Government and the decentralisation implementation group have always recognised this would be the case. Traditionally there is no experience of decentralisation among State agencies and no tradition of inter-organisational transfer or movement among staff. However, the Government and the DIG remain of the view that these challenges can be addressed through the active engagement of management and unions.

I take it the Deputy's question is in the context of the current dispute in FÁS, which I discussed in response to the first priority question from Deputy Bruton. As I indicated, the Labour Court considered the written and oral submissions of both SIPTU and FÁS. The court also noted the terms of the company-union industrial relations procedures agreement and said it was of the opinion that FÁS was in breach of the consultation procedures provided for in that agreement. However, it made no ruling on the substantive issue of the relocation clause. The court recommended that the matter be referred back to the appropriate central body, at which level the issues should be teased out with a view to arriving at agreed long-term solutions in consultation with all the parties involved.

I restate my support for the use of existing industrial relations procedures and structures by all the parties involved, which represents the best way forward. On this issue, I understand that FÁS has accepted the Labour Court recommendation and is available for talks. I hope SIPTU will agree to participate fully in talks to facilitate an early resolution of this dispute.

Caoimhghín Ó Caoláin: The Minister still claims the relocation programme for public service workers is voluntary yet the reality is quite different in practice. Does the Minister accept the situation for employees of State agencies is radically different from that of civil servants? I emphasise that the situation is radically different because there is transferability between Departments for civil servants but those who opt not to relocate can be transferred if necessary to another Department. Does the Minister accept this is not the case for staff of State agencies?

Does the Minister deplore — I have to put it in as strong a term as possible because I see it no differently — the effort to coerce staff at FÁS headquarters to relocate to Birr by linking the move to promotional prospects? A newspaper was cited earlier. The Minister of State, Deputy Parlon, admitted in *The Sunday Times* last week-

end that workers in State agencies, including FÁS, currently cannot be transferred.

An Ceann Comhairle: The Deputy should confine himself to asking a question.

Caoimhghín Ó Caoláin: If the move of FÁS headquarters to Birr is to happen, what career and promotional prospects will apply to those members of FÁS who opt to remain in Dublin? That is the key question. FÁS is one of the most decentralised of the State agencies, with arms and representative offices in many provincial towns.

Mr. Cowen: As I stated in reply to a previous priority question, we require the active engagement of both sides to resolve any dispute. The Labour Court did not make a substantive finding in regard to the relocation clause. It stated the consultation clause in the procedures agreement was not adhered to sufficiently by management in the context of the terms or spirit of that agreement. FÁS accepts that ruling and is available to proceed with active engagement with the unions.

The decentralisation implementation group stated that, given there has not been a tradition of decentralisation of State agencies to the same extent as is the case with the Civil Service, we need a groundbreaking initiative within the State agency sector to deal with this matter. The best way of doing this is by engaging on the issues, listening to the concerns of staff and dealing with those concerns in the same way the Civil Service decentralisation programme, under successive Administrations, found a means through negotiation of resolving matters such as deciding what proportion of promotions would be located among decentralised posts and Dublin posts. The transfer protocols and the range of precedents in Civil Service decentralisation programmes can be the model on which negotiations can proceed.

We need the active engagement of all concerned. The Labour Court has made its findings, which both sides accept. The labour part of the ruling is to return to discussions. The parties which have accepted the Labour Court ruling should accept it in its entirety, re-enter and actively engage in discussions and find whether we can proceed, as the decentralisation implementation group has indicated, with a groundbreaking initiative for the State agency sector. That is the way forward and the way in which these matters can be resolved.

Caoimhghín Ó Caoláin: I have a supplementary question.

An Ceann Comhairle: The Deputy should be brief. We are running out of time.

Caoimhghín Ó Caoláin: What proactive measures have the Minister or the Minister of State, Deputy Parlon, employed to bring about an early address of the difficulties, given that we

have an indication of industrial action being taken by FÁS staff, with all of the serious associated consequences? What steps have been taken in this regard?

I must also ask the following question. While the Minister and the Minister of State will not be comfortable with it, it is better that it is asked and the Minister's response is on the record. There is an inference that political pressure has been applied to FÁS management—

An Ceann Comhairle: I ask the Deputy to give way to the Minister.

Caoimhghín Ó Caoláin: I am asking the question. He can hardly respond until it is asked.

An Ceann Comhairle: The Chair generously and foolishly allowed the three Deputies to ask supplementary questions when we were out of time on the relevant questions. I asked for a brief question. I call the Minister to make a final reply.

Caoimhghín Ó Caoláin: I do not think that either I or the Minister spoke for too long. I rarely do that.

An Ceann Comhairle: We have spent half an hour on three questions. I call the Minister.

Caoimhghín Ó Caoláin: I ask the Minister if he will respond to a charge that has some currency, namely, that political pressure was applied to FÁS management in regard to the move of its head office to Birr. Will the Minister respond to that question?

Mr. Cowen: The State agency boards understand Government policy and are working to proceed with and implement it, as is the case with Departments of State. The Labour Court suggested that the matter should go back to an appropriate central body but did not specify what body that should be. I believe that my Department, together with the Department of Enterprise, Trade and Employment, as the responsible line Department, will have a role to play in any negotiations.

The decentralisation implementation group does not have a role to play in this matter. It is leading the decentralisation programme but is not itself involved in the detailed industrial relations matters arising in the context of decentralisation. These are handled through the existing industrial relations structures in place within Departments. Those are the people who can help work with and join the negotiations in—

Mr. Bruton: What is the Minister offering in this creative leap?

An Ceann Comhairle: Allow the Minister to reply. We have already gone three minutes over time on this question.

Mr. Cowen: Everyone engaging in negotiations will enable us to try to proceed with the matter. We cannot proceed without everyone sitting down around the table. The Deputy will find that when he tries to make coalition arrangements.

An Ceann Comhairle: We will move to Question No. 4.

Caoimhghín Ó Caoláin: Has the Minister been deflected or is he ignoring the point with regard to political pressure?

Mr. Cowen: I have not ignored the point; I answered it. All State bodies support Government policy. That is the oldest rumour in the book.

Mr. Bruton: Offaly would not be higher in the Minister's mind than any other location.

Mr. Cowen: I would never meet the Deputy's high moral standards but I do the best I can.

Mr. Bruton: The Minister is not doing badly.

Mr. Cowen: I thank the Deputy.

Fiscal Policy.

4. **Ms Burton** asked the Minister for Finance the estimate for inflation used in his budget 2006 speech; if he intends to review this figure in view of the most recent figures from the Central Statistics Office showing that inflation had increased to 3.3%; his views on the recent increase in the consumer price index; if his Department has done an assessment of the likely implications for the economy of the increase in inflation; and if he will make a statement on the matter. [12649/06]

Mr. Cowen: On budget day, inflation as measured by the consumer price index was forecast to average 2.7% in 2006. Part of the pick-up in the annual inflation rate in February reflects the rise in interest rates by the European Central Bank. In addition, the price of oil rose throughout most of last year, which had an impact on the annual rate of inflation in February. We have no control over these external factors. My Department will publish updated forecasts in the autumn.

On an EU basis, Ireland's harmonised index of consumer prices was 2.7% in February compared to 2.3% in the euro area. Ensuring that our inflation rate moves back towards the euro area rate will be important for remaining competitive. I made no changes to indirect taxes in the budget, which will contribute to meeting this objective.

Ms Burton: Does the Minister acknowledge that the Government is a major driver of inflation due to cost increases and stealth charges? I refer in particular to the increases in health charges,

[Ms Burton.]

VHI, the cost of beds etc. announced in the budget. Fuel and gas prices have gone through the roof. Many people, including many older people, have had a €200 increase in their gas bills over the winter. The increase in mortgage repayments will cost many families potentially an extra €200 a month. To cap it all, we were told today there will be a further 4% increase in electricity and fuel costs due to the Government's failure to provide for Kyoto agreement arrangements. Under this Government, electricity prices have risen 61%—

An Ceann Comhairle: Has the Deputy a question?

Ms Burton: I am asking the Minister—

An Ceann Comhairle: The Deputy may not make a speech.

Ms Burton: May I have parity of esteem with Deputy Ó Caoláin for once?

An Ceann Comhairle: The Chair will not accept that.

Ms Burton: Deputy Ó Caoláin was allowed to talk for a long time. I would like parity of esteem with Deputy Ó Caoláin on the bases of gender and party.

An Ceann Comhairle: This is Question Time and as the Deputy is well aware—

Ms Burton: I would like in all sincerity to ask the Ceann Comhairle for parity of esteem with Deputy Ó Caoláin.

An Ceann Comhairle: Yes, Deputy.

Ms Burton: I represent people as well.

An Ceann Comhairle: The Deputy will obey Standing Orders the same as Deputy Ó Caoláin. The Deputy is entitled to ask questions to elicit information, she is not entitled to make a statement.

Ms Burton: Deputy Ó Caoláin is but I am not.

An Ceann Comhairle: Deputy Ó Caoláin asked questions, although he may have asked more than the Chair would have liked.

Ms Burton: Deputy Ó Caoláin made a lengthy statement which the Chair listened to with great interest, maybe the Chair should listen to what I have to say as well.

An Ceann Comhairle: I ask the Deputy to obey the Standing Order.

Mr. Cowen: Deputy Ó Caoláin is unique.

Caoimhghín Ó Caoláin: I am getting it from both sides.

Ms Burton: I ask the Minister does the Government acknowledge that it is the major driver of inflation that is impacting on young families buying houses, pensioners trying to struggle to meet increasing refuse costs and gas bills which for many people increased by €200 over the winter period, the increase in the cost of a bed in a public hospital and the swindling increases in VHI? What does the Minister propose to do? There has been a 61% increase in electricity costs under the Government and today a further 4% increase in such costs has been announced. Does the Minister intend to do anything for people?

Mr. Cowen: First, it should be noted regarding inflation in health and education that these sectors have relatively small weights in the basket of consumer goods and services and, hence, their impact on overall inflation is relatively low. Second, inflation in health partly reflects increases in GP and dentist fees which are outside the control of Government.

Regarding the increases in gas and electricity prices, prices in these sectors are determined by regulators. However, I point out that increases in recent years partly reflect the global increase in oil prices, something over which we have no control.

The Central Bank is forecasting CPI inflation to average 2.75% this year while the ESRI is forecasting 2.6%. The most up to date private sector forecasts are typically in the range of 2.5% to 3.2%. It is clear, therefore, that my Department's forecasts are not out of line with those of other commentators.

Regarding the factors to explain the rise in inflation in February, by raising the level of consumer prices, the rise in interest rates in December had an impact on the annual rate of inflation in February. The same applies to the rise in the level of oil prices during the past year.

Services sector inflation rose to 4.4% in February, which partly reflects the level of demand in the economy. Lowering the inflation rate to that prevailing in our major trading partners is in all our interests and that is the reason I made no changes to indirect taxes in the past two budgets.

The Government, therefore, was doing its bit to reduce inflation. Others have to do their bit also. National wage agreements are important in this regard. We must ensure that wages evolve in line with productivity gains while at the same time facilitating a sustainable evolution of profits. A greater role for competition in the economy is also important. It is the best way to protect competitiveness and safeguard employment.

I caution against reading too much into data for one single month. My Department will update the inflation forecasts in the autumn and account will be taken of all published data and other

available information when framing those forecasts.

An Leas-Cheann Comhairle: That completes Priority Questions.

Mr. Bruton: On a point of order, I wish to raise the matter of the refusal and transfer of a priority question and a substitute question that I submitted. One question sought the Minister's view on trends in the housing market on which the Central Bank has commented widely, but that question was transferred to the Department of the Environment, Heritage and Local government, which is not acceptable. The Minister has a legitimate point of view to express in this House.

The second question related to the changes needed in the way in which we consider the Financial Bill, given that his year we succeeded in examining in committee only two thirds of the amendments or the original sectors. That was deemed not to be a matter for the Minister. We need to be a bit more reasonable if we want reform and if we want Ministers to play a role in dealing with important issues in the housing sector and in the way in which we deal with taxation. These questions should not have been disallowed in one case or switched by the Minister in the other.

An Leas-Cheann Comhairle: The Chair has no function in the matter. If a question is transferred it is a matter for members of the Government.

Mr. Bruton: The Chair has a function in disallowing a question. The disallowing of my question was incorrect because the Government has a crucial role in deciding how——

An Leas-Cheann Comhairle: Perhaps the Deputy will raise the matter with the Ceann Comhairle's office.

Mr. Bruton: I will.

Other Questions.

Prevention of Corruption.

5. **Mr. Gogarty** asked the Minister for Finance if he is planning to draw up guidelines to provide training for public officials with regard to reporting corruption; and if adequate protection to public officials who act as whistleblowers, as recommended by the GRECO group of the Council of Europe, will be provided. [12411/06]

Mr. Cowen: As the Deputy is aware, the GRECO initiative, the group of states against corruption, is a body set up under the aegis of the Council of Europe to monitor and evaluate measures against corruption in member states.

A recent evaluation recommended that Ireland should introduce guidelines and training for public officials about reporting instances of corruption, or suspicions of corruption, which they come across in carrying out their duty. It also recommended establishing protections for public officials who make such reports.

Ireland already has extensive legislation to deal with standards in public life, including corruption. Provisions are contained principally in the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Acts of 1906 and 1916, the Ethics in Public Office Act 1995 in relation to registrable interests, and the Prevention of Corruption (Amendment) Act 2001. Collectively, this legislation makes illegal all forms of active and passive corruption in both the public and private sectors. I also refer to section 5 of the Standards in Public Office Act 2001 that provides protection against dismissal in certain circumstances where a person makes a complaint in good faith to the Standards in Public Office Commission.

In the Civil Service, for which I have particular responsibility, there are special measures in place on the prevention of corruption. There are clear guidelines for civil servants on the standards of behaviour expected. A new and modernised Civil Service Code of Standards and Behaviour was drawn up in consultation with the staff side and issued to all civil servants in 2004. The code requires, in the public interest, the highest standards from staff at all levels in their dealings with the public and in handling public funds and property. Adherence to the standards laid out in the code is a term of employment of all civil servants.

The code was introduced in compliance with section 10(3) of the Standards in Public Office Act 2001 and therefore has a clear statutory basis. My Department is preparing a series of special courses on the code of standards and behaviour. I understand that the code is included as part of the induction courses for new staff held by Departments and offices.

Mr. Boyle: I hope interference devices are not part of that code of practice. The Minister has not responded to my question. The GRECO group, the group of states against corruption in the Council of Europe, came into being because Ireland was one of the 14 countries which signed its ratification and, as a founder member, we should seriously consider its recent evaluation report. Apart from referring to the need for clear rules and guidelines for training public officials, the Minister has not commented on whether such training exists.

The report calls for more adequate protection for public officials who act as whistleblowers when they discover corruption. The group is calling for that protection and implies that it does not exist. GRECO points out that, in principle, nothing prevents a public official from reporting

[Mr. Boyle.]

incidents of corruption to a superior, the Standards in Public Office Commission or to the Garda, as the Minister stated, but there is no legal obligation——

An Leas-Cheann Comhairle: It is not in order for the Deputy to read a quote during Question Time.

Mr. Boyle: I am not quoting specifically but rather paraphrasing what is stated in the report. What I said was not a quotation. I am pointing out to the Minister the recommendations in the report. Will the Minister specifically comment on GRECO's recommendation that there is no legal obligation or ethical guidelines to encourage public officials to act on behalf of whistleblowers? The one act the Government seems to be taking to deal with whistleblowing legislation is to move a motion during next week's business to strike off the Order Paper the only legislative means currently before us to deal with the problem, namely, the Labour Party's Private Members' Bill. If the Government were serious about whistleblowing, it would either adopt the Labour Party Bill or introduce its own legislation and thereby put to rest the deceit that whistleblowing can only be dealt with on a Bill by Bill basis in terms of every position in the Civil Service.

Mr. Cowen: The Government has given considerable consideration to the issue. The Deputy will be aware that on 7 March my colleague, the Minister for Enterprise, Trade and Employment, explained our approach in some detail in a speech on the Whistleblowers Protection Bill 1999, which was tabled by Deputy Rabbitte and to which the Deputy referred. The Minister outlined a number of the complex legal issues which would have to be addressed before taking further steps to introduce formalised whistleblowing or reporting procedures. For example, questions arise about the treatment of intellectual property rights or trade secrets which might be affected, the Official Secrets Act 1963 and its implications for civil servants, the number of protections that might be required under the Unfair Dismissals Acts 1977 to 1993 for employees who whistle-blow reasonably and in good faith.

The Minister made clear the Government's decision to address the issue on a sectoral or case-by-case basis, that is, the possibility of including appropriate whistleblowing provisions would be examined on a case-by-case basis when individual Bills arise. This is the correct approach to adopt. The Minister also pointed to a number of Acts in which reporting procedures have been included.

I outlined the legislation in place already and referred to the provisions in the Standards in Public Office Act 2001 and the protections provided in this Act against dismissal in certain circumstances. We must be clear that the introduc-

tion of whistleblowing arrangements in the civil and public services would have to be carefully considered. In the Civil Service officials work to advise Ministers in Government on carrying out their decisions. To move quickly to a general system of whistleblowing or reporting on alleged wrongdoing or corruption could seriously undermine Departments or offices in carrying out their function on behalf of Government. It is one matter to consider a system designed to deal with wrongdoing or corruption but it is an entirely different matter to introduce a system which might in effect become a means of criticising Government decisions and policies. The introduction of formal whistleblowing procedures would be a major step the Government would have to consider very carefully.

The case-by-case approach outlined by my colleague, the Minister for Enterprise, Trade and Employment, is the correct one. Under this approach, when legislation relating to the Civil Service is being considered we can examine the possibility of including well defined measures for appropriate reporting procedures in particular areas. It would, however, be wrong at this stage to give any general commitment as to what might be done.

The Deputy should also be aware that management systems in the Civil Service can address the issue of corruption. It is not only a question of relying on the legislation and codes of standards and behaviour. The Mullarkey report endorsed by Government made a number of recommendations aimed at strengthening internal control systems in Departments and offices and these are being implemented. For example, Departments and offices must have risk assessments and management systems in operation that are integrated in their management processes. Greater awareness of issues of risk will make management more aware of how to deal with reports of malpractice or corruption.

Mr. Bruton: I am surprised the Minister's main concern appears to be that legislating for whistleblowing on a broad basis would undermine Ministers' policies. This is a new argument. I find it hard to believe it is beyond the wit of parliamentary draughtsmen to draw up provisions that would provide for whistleblowing while ensuring they have no basis for undermining ministerial policies. Notwithstanding this, surely in the modern world freedom of information, transparency, declarations of interest and so forth — the Minister, for example, emphasised the need for transparency and accountability — are all designed to make public decisions more transparent and open to scrutiny. It is strange the Minister defends the decision not to introduce whistleblowing legislation on the grounds of wanting secrecy. Is it not the case that regulators are turning up breathless and late when problems arise, whether in the

areas of nursing home standards, failures in computer systems, the planning system, banking etc? The list goes on and on yet the Government has chosen to perpetuate this system.

Ms Burton: Will the Minister elaborate on the ethics and anti-corruption training available to civil servants? Do participants have an opportunity to study the reports published by the beef tribunal or Flood tribunal into planning corruption in the Dublin area? What precisely do civil servants study when taking part in this training? What is the position in the event that a civil servant becomes aware of a matter such as that investigated in Our Lady of Lourdes Hospital in Drogheda where a midwife trained outside the State was brave enough to pursue a wrong? This is the reason we want protection for whistle-blowers who are often the only protection available for the public good and interest when an official system acts wrongly. The Minister's only concern is that a Minister might have a bad day out. This is an extraordinary response and I ask him to elaborate.

Mr. Cowen: I did not make the response the Deputy describes and it is a misrepresentation to suggest I did. I simply made the point that one must consider the need to ensure the relationship between the Civil Service and Government is not compromised or undermined. I also noted that while it is one matter to consider a system designed to deal with wrongdoing or corruption, one also requires a means to ensure one does not have a generalised provision which could be used to change the essential relationship of trust and confidence between a Minister — a politician — and the Civil Service, the integrity and independence of the Civil Service is respected and maintained and the role of adviser and implementer of policy decisions is not compromised. The Government's argument is not that we should not have provisions but that we must carefully consider all these issues and deal with the matter on a sector by sector basis. A full articulation of the Government's position on the issue, as opposed to a misrepresentation of my comments, is best gauged and considered in the speech made by the Minister for Enterprise, Trade and Employment during the debate on the Labour Party Bill. That is my view on the matter.

Fiscal Policy.

6. **Mr. O'Shea** asked the Minister for Finance the progress made to date with regard to the implementation of the 12 point programme to improve value for money in public spending, announced on 20 October 2005; and if he will make a statement on the matter. [12386/06]

Mr. Cowen: As I indicated in my reply to Question No. 76 on 28 February, I wrote to my minis-

terial colleagues on 20 October last enclosing a copy of my address of the same date to the Dublin Chamber of Commerce and requesting them to ensure their Departments take all the necessary steps to implement the measures set out in my address. My Department issued a circular letter to all Departments on 25 January last outlining in detail the requirements to give effect to the measures in my announcement of 20 October 2005 as well as earlier decisions made by Government on ICT and consultancy procurement. Copies of the circular letter were also placed in the library of the House.

The circular included changes to existing guidelines on public procurement, consultancy and capital appraisal and outlined the necessary additional steps being taken to give effect to the various value for money measures announced. It is primarily a matter for individual Departments and their agencies to make the necessary arrangements and implement the changes arising in their area. Follow up on a number of measures outlined in the circular of 25 January last fall within the direct responsibility of my Department.

With regard to fixed price contracts I am pleased that the consultation with the industry on the introduction of these contracts for public works is almost complete. Following essential training of relevant public sector staff, the contracts will be available for use as soon as possible in 2006.

My Department has also set up an inter-departmental review group on the guidelines on commissioning consultants. This group will report by mid-year and any necessary action on foot of the review will be implemented as a matter of urgency. The peer review process for major ICT projects is now operational and four reviews have already started. My Department is co-ordinating work on setting up these reviews. While the peer review process is a worthwhile initiative and an additional safeguard in the development and implementation of IT projects, it does not override the accountability arrangements in place within organisations.

As regards recruitment and training of specialist staff in ICT projects and consultancies, my Department is conducting a survey of all Departments seeking details of areas where skills shortages currently exist. In addition, the Civil Service training and development centre in my Department has modified the content of its policy analysis and capital appraisal guidelines training programmes to better reflect the new value for money requirements and is putting in place a new project management course aimed at those in the public service who procure and manage capital projects.

Ms Burton: What are the practical implications of the steps outlined by the Minister for some of the disasters over which this Government has

[Ms Burton.]

presided? Last week, the Committee of Public Accounts was told that a commitment has been made to rent premises for the machines at a cost of €700,000 per annum or another €14 million. How does the Minister's new system accord with that?

Today's newspapers reported on the court case between the National Aquatic Centre and Campus Stadium Ireland Development, of which the Minister is one of three shareholders, concerning a sublease used by a businessman to attract tax breaks of €2.8 million per year, with a cap of €34 million, on a State funded public infrastructure project costing €62 million. I visited the complex on several occasions and found major structural faults with it, including leaks and unacceptable use of treated water. I ask the Minister to go from the general to the specific by explaining how we will avoid similar fiascoes in future.

He apologised today for the €56 million in misplaced health services money which has apparently been rediscovered. Does anybody know how to keep the accounts of the Department of Health and Children?

Many of the measures referred to by the Minister in his 12 point plan are welcome but how are they being implemented and is he taking any personal responsibility for them? For example, along with the Taoiseach and the Minister for Arts, Sport and Tourism, he is a shareholder in Campus Stadium Ireland Development. This valuable project located in my constituency appears to be in jeopardy because of gross incompetence and mismanagement.

Mr. Cowen: The additional matters I referred to with regard to value for money and dealing with ICT contracts arise from the PPARS problems which came to my attention over the course of last summer. I set out general procedures to be put in place by Departments which provide for more vigorous competition for public sector contracts, fixed price lump sum contracts as the norm for construction projects valued at above €30 million, the allocation of individual responsibility for capital projects, *ex-ante* evaluation, including economic cost benefit appraisal for projects costing more than €30 million, a formalised review by Departments and agencies of contracts for projects costing more than €30 million with reports to the Minister and provision for audit by the Department of Finance, a performance table for Departments and State agencies regarding the extent of project outcomes versus budgets on contracts and a range of other matters. As Minister for Finance, I asked my colleagues to ensure that, as the political heads of their respective Departments, they managed contracts and expenditure in the manner I suggested and that process is now in place. I augmented rather than replaced existing procedures to ensure sufficient controls

exist to ensure proper public expenditure. These procedures will assist and reinforce our efforts in that area.

As regards specific projects which have proved problematic in terms of management and design or construction and completion, questions put directly to the Ministers concerned will elicit full and up-to-date information.

Mr. Bruton: I welcome the Minister's reply but, given that he has provided for the *ex-ante* evaluation of projects costing more than €30 million, does he agree that PPARS as it was originally envisaged would not have been evaluated under that rule? Punchestown would not have been evaluated, even though it was a notorious project and cost a great deal of State money. E-voting as it was initially brought forward would not have been subject to *ex-ante* evaluation. The Minister is closing the door on some horses but a lot of the little money wasting ponies will escape these provisions.

Has the Minister assigned individuals to specific capital projects and can he provide us with a published list of who has been assigned to which project, so that everyone can know where responsibility lies?

The Minister announced this new programme almost six months ago. Can he now provide the performance table for Departments which he promised, if only for the first quarter of this scheme? The scheme will only make an impact if it is clear that the Minister is serious about it and if we are sure that performance is acceptable.

Mr. Cowen: I have suggested that the performance table should be incorporated in the annual reports to the Department of Finance on the capital envelope investment programme under the statement of strategy and in the format outlined in the circular.

It is a matter for sponsoring Departments to assign responsibility. I do not intend to appoint people to every single project and Department but have set out the rules which should apply to each Department in respect of projects. I delegate the function of appointing responsible people to Ministers because the process would otherwise become cumbersome and ineffective.

Mr. Bruton: A lot of white elephants start as baby elephants.

Mr. Cowen: Regardless of the size of a capital project, the allocation of individual responsibility allows such a situation to be monitored. Rather than everyone knowing a bit about everything and nobody being responsible for making decisions consequent to a project becoming more expensive, the allocation of individual responsibility ensures problems similar to those alleged by Deputy Bruton do not arise.

Mr. Bruton: Have the responsible individuals been appointed?

Mr. Cowen: That is for Ministers to decide in each case.

Ms Burton: The Minister is a shareholder in the National Aquatic Centre and, as such, retains the power to transfer shares and responsibility for the company. I ask him to comment on the court case.

Mr. Cowen: I am also a shareholder in the ESB but I do not have a remit with regard to that company.

Ms Burton: That relationship was established by law but such is not the case with regard to CSID.

Mr. Cowen: My point is that the matter is dealt with by the line Minister with delegated responsibility. Questions arising with regard to CSID are best directed to the Minister of Arts, Sport and Tourism, who can make the full information available. I am answering questions on the general guidelines which I set out in October 2005 rather than on any specific issue.

Tax Collection.

7. **Mr. Penrose** asked the Minister for Finance the number of random audits carried out of the Revenue Commissioners in 2005; the way in which this compares with each year from 2002; the number expected to be undertaken during 2006; and if he will make a statement on the matter. [12390/06]

Mr. Cowen: I have been advised by the Revenue Commissioners that 411 cases were selected for random compliance testing as part of the 2005 programme. A detailed evaluation of the results will be finalised once the approximately 60 remaining audits are completed. I am informed that Revenue's approach to random compliance testing changed significantly in the 2005 programme and this should be borne in mind when making comparisons with previous years. The traditional random audit programme was not carried out in 2004 due to the change in Revenue's approach following a review of the programme. However, 25 cases selected under the programme for previous years were completed in 2004.

I understand that 274 random audits were completed in 2003 and 720 in 2002. However, the selection for these years was not purely random because revenue districts narrowed down the initial random selection based on risk criteria. I understand the sample size in the 2006 random compliance testing programme will again be in

the region of 400, the same as for the 2005 programme.

The Revenue Commissioners assure me they are dealing in a determined way with tax evasion by maximising the impact of their resource deployment through focusing on risk. This is strengthened by the random compliance testing programme, which ensures that all taxpayers are exposed to the possibility of a compliance check or audit. This approach is in line with best international practice.

Ms Burton: In the record of year-end information on public servants and employment levels, the Revenue Commissioners are recorded as having 6,000 public servants last year and they are expected to continue with this number. There has been extraordinary success with the Ansbacher and DIRT inquiries etc. conducted by the Revenue Commissioners, which have to date, brought in more than €2 billion. This is despite the Minister's predecessor, Mr. Charlie McCreevy, on record stating that there was no pot of gold with regard to unpaid taxes. He was shown to be absolutely wrong.

Does the Minister accept, given that so many taxpayers file returns by self-assessment, that the number of random audits being carried out is way below what it should be if we compare it to the number in the United States, for example? Does the Minister accept that where people evade their proper taxes, despite most of our tax rates being quite low, the end result is to rob the health and education services of necessary funding to provide proper services?

Has the Minister any proposals to consider the resources allocated to the Revenue Commissioners with a view to expansion? This should be examined particularly in the context of what occurred last year with Gama and what has been disclosed this year with regard to various agency employers, which still appear to be able to fly below the radar of complying with tax and welfare obligations.

Mr. Cowen: We have seen a great improvement in the compliance culture with regard to the tax administration system. The number of tax compliant citizens has greatly increased, with one of the reasons being the important changes brought about, particularly with regard to self-assessment for the self-employed. That has brought about a transformation which can be seen through the tax take obtained, in percentage terms, from self-employed people compared to the historical numbers.

In the 1970s and 1980s, when I first came into this House, one of the great problems was the huge estimates of tax liability suggested as being due. This was because the tax administration, if it had not quite come to a halt, was not working in a very effective or efficient way. That was even

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acknowledged by practitioners within the service itself, and we have seen a great transformation for the better. This has greatly enhanced public confidence in the taxation system. I acknowledge that the move away from punitive tax rates, which fostered a black and grey economy in the past, means that the vast majority of people are now in the system, working legally and meeting obligations.

There will always be a decreasing minority of people who do not meet their obligations fully and do not comply with tax Acts as they should. The Revenue Commissioners have been very effective in dealing with those matters. We have seen, through publication of defaulter lists, an effective mechanism that is a strong deterrent for people against taking risks of non-compliance with tax liabilities.

I take advice from the Revenue Commissioners on these matters, and they tell me the approach they take is in line with best international practice. They are continuously in consultation with other revenue organisations across the world, ensuring they have the most up to date technology and practices available to them to ensure they work effectively. Much congratulation is due to the management of the Revenue Commissioners, and the success of top management there has greatly improved the operation. Having spoken to the top management, I believe it to be a very well run organisation in the main.

Any justified request from the chairman of the Revenue Commissioners for extra staff is listened to with some seriousness by my Department. We should bear in mind our efforts to control public service numbers while recognising that front line staffing for important public services are not compromised. The chairman has made some requests in that regard and they are being processed in the normal way. Overall, we have much to be proud of in the way in which our revenue system works.

Mr. Bruton: I welcome the progress made in this area. There is an issue of proportionality. Under the Revenue powers group recommendations the Minister was to come in with some recommendations on the gradation of powers. This related to the powers moving from audit to investigation to prosecution, and that there would be some test of reasonableness along the route. Is that coming through?

Apropos of Revenue powers, it has been stated to me that as there is a new revenue power to look at bank accounts, it could potentially be used to check on SSIA holders to see if they borrowed money to keep up the SSIA payments, compromising their savings scheme and making the entire amount liable for tax. Can we be assured that these powers will always be used in

a reasonable way and that this type of action could not come out of the woodwork in future?

Mr. Cowen: We can be assured that the powers will be used in a reasonable way and that the worries that some small account holders have on this matter are not well-founded. They are only to help with risk-based assessments, and it is only where the Revenue Commissioners see something which is obviously wrong in the context of other information that an investigation will occur.

Many of the Revenue powers group recommendations have been implemented, and they are often reviewed from year to year. Some recommendations were reviewed last year and some will be this year. I will have to check with my officials and update the Deputy on the power specifically referred to.

Tax Code.

8. **Mr. P. Breen** asked the Minister for Finance if he has exercised his powers to block the emergence of a common corporate tax base; and if he will make a statement on the matter. [12506/06]

Mr. Cowen: As I informed the House on 28 February, the European Commission has not yet made a formal proposal on the common consolidated corporate tax base. At the informal ECOFIN in September 2004, it was agreed that the Commission should establish a technical working group to consider such matters. While we opposed such a move, we are participating in the group without prejudice to our national position of opposition. As there is no proposal currently being examined by the European Council, the issue of exercising a block does not arise.

Mr. Bruton: I welcome the Minister's opposition on the issue, and it appears this is the thin end of the wedge. We recently had the Commissioner for Taxation and Customs Union, Mr. László Kovács, speaking in the restaurant of Leinster House. It seemed to me that this was a Trojan horse in their view, and once the proposal was inside the tent it would mount enormous pressure on those who, like ourselves, believe they should have the freedom to set tax rates and codes. How does the Minister feel the issue will evolve? Does he foresee a danger of Trojan horse being created through this mechanism?

Mr. Cowen: I met Commissioner Kovács and his officials when he visited and spoke in the environs of the Dáil. I conveyed our opposition to the overall project and told him I was not at all convinced of the case put forward. The Commissioner is resigned to the fact he will not get agreement among all 25 member states, but he is prepared to go the route of enhanced co-operation. He proposes to publish a stocktaking communication shortly and it is expected that the cur-

rent Austrian Presidency will put it on the June ECOFIN agenda to get an overall view from member states.

As stated, we oppose it for both principled and practical reasons. Taxation is a matter of national sovereignty for each member of state. The right to choose the level of public spending and the funding of such expenditure is a basic function of the democratic process. It is necessary to protect the flexibility of tax policy in rewarding enterprise and the creation of jobs and growth in the economy. There is no evidence to suggest a common, consolidated, corporate tax base would address issues such as competitiveness, compliance costs for companies, transfer pricing etc. It would not simplify EU tax issues as the so-called optional system proposed would add another tax system to the existing 25. The harmonisation of the base would lead to pressure on national tax rates and the code of conduct on business taxation already successfully addresses harmful tax competition.

The CCCTB cannot be imposed on member states. Unanimity is required on all decisions taken on taxation issues at EU level. We are happy to discuss how to deal with taxation issues on that basis and we have done so. Enhanced co-operation may only be engaged in as “a last resort” but we are a long way from such a position as a proposal must first come forward from the Commission. The timeframe it is talking about extends to 2008, which in our view is unrealistic, notwithstanding our strong opposition to the project — we feel the Commission may be down-playing the level of opposition among some member states.

Mr. Boyle: Does the Minister accept there is cross-party consensus in opposition to corporation tax harmonisation across the European Union? What is his opinion on the agreements that exist in other areas of taxation? There is already agreement on low level energy tax and there have been proposals by President Chirac for an aviation tax for developing a fund for a common EU approach to foreign aid. Has the Government articulated its position on those and other common tax issues in the EU?

Mr. Cowen: It has. We have decided to fund our foreign aid through direct grant-in-aid, rather than via an aviation tax, because it is far more transparent. There is an issue with certain nations' dependence on aviation and the effect on our costs, which would be different from that of others. It has been decided that countries can deal with the issue on a voluntary, optional basis themselves. I respect those member states who see it as a feasible means of providing support for the Third World but we do so through direct grant-in-aid and the relevant subhead has

received among the largest increases in recent years.

Money Laundering.

9. **Mr. M. Higgins** asked the Minister for Finance the additional measures he intends to take to deal with the problem of money laundering in view of the concerns expressed regarding the adequacy of existing safeguards expressed in the third mutual evaluation report on Ireland produced by the financial action task force; and if he will make a statement on the matter. [12376/06]

Mr. Cowen: The financial action task force, FATF, recently published the report of its evaluation of Ireland's measures to combat money laundering and financing of terrorism. Ireland is one of seven countries evaluated to date in the FATF third round of mutual evaluations. Its overall ratings are comparable to those obtained by the other countries evaluated. The revised FATF money laundering recommendations of 2003, which are the standard against which Ireland's compliance was assessed, have been embodied in the third EU money laundering directive, which came into force in December 2005 with a transposition deadline of December 2007.

Many of the FATF recommendations on which Ireland was assessed as either partially compliant or non-compliant will be addressed in the transposition into Irish law of the third EU money laundering directive. These include additional measures on customer due diligence, measures relating to the identification of foreign politically exposed persons, the strengthening of the sanctions for breaches of money laundering rules and the regulation of non-financial entities.

On publication of the FATF report, my colleague, the Minister for Justice, Equality and Law Reform and I jointly undertook to examine its recommendations thoroughly and gave a commitment to further strengthen Ireland's anti-money laundering mechanisms. The process of reviewing and updating the Irish legal framework to meet both our domestic needs and international obligations is already under way. Ireland opted to be evaluated early in the third round of mutual evaluations because this would be of considerable assistance in planning the transposition of the third EU money laundering directive into Irish law.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy McEntee — the need for the

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Minister to urgently consider the lack of facilities at a school (details supplied) in County Meath; (2) Deputy Finian McGrath — the urgent need for a public inquiry into the Stardust fire tragedy; (3) Deputy Catherine Murphy — the need for financial provisions for adoptive parents who have fostered the child prior to adoption; (4) Deputy Burton — the urgent need to take steps to ensure that places are available for all children when the new school year begins in light of the serious situation facing hundreds of families in Dublin 15 whose junior infant children have been refused a primary school place for next September; (5) Deputy O'Dowd — the need for the Minister to discuss the decision of the British Government to privatise the Sellafield nuclear reprocessing plant, a plant that is vulnerable to a nuclear accident or terrorist attack which could have serious consequences for generations in Ireland and, therefore, this complex should remain under direct British Government control and ownership; (6) Deputy Neville — the need for an increase in financial aid for the growing of miscanthus; (7) Deputy Cowley — the need for the Minister to extend the National Treatment Purchase Fund to provide a temporary breast screening service to women in the south and west; (8) Deputies Broughan, Shortall and Costello — the need for the Minister to ensure that Temple Street children's hospital will be redeveloped on the Mater hospital campus; (9) Deputy Fiona O'Malley — the need for consideration to be given to reducing the VAT rate on condom sales in Ireland; and (10) Deputy Crowe — the need for the Minister to urgently ensure the speedy evaluation of the unique cocaine pilot project which serves all of Tallaght and to release funding to save this successful project from closing down in two weeks time.

The matters raised by Deputies Broughan, Shortall and Costello, and Deputies O'Malley and McEntee have been selected for discussion.

Adjournment Debate.

Hospitals Building Programme.

Ms Shortall: I thank the Leas-Cheann Comhairle for allowing me and my colleagues, Deputies Broughan and Costello, to raise on the Adjournment this important matter concerning the future of Temple Street children's hospital.

Temple Street children's hospital has a special place in the hearts of a great number of families throughout Ireland and especially on the north side of Dublin. Many parents are deeply grateful to Temple Street hospital for the role it has played in the health and the lives of their children. The medical, nursing and ancillary staff are

outstanding and have coped extremely well in what are deplorable physical conditions.

After many years of promises a development plan was eventually finalised last year. This provided for a co-located child and adult hospital on the Mater hospital campus. To date, €50 million of public money has been spent on this development. Planning permission has been secured and much of the preparatory work has been completed. Funding of €400 million has even been allocated but, incredibly, the Minister has pulled the rug from the development at the last minute and has put the entire future of the hospital in jeopardy. All the carefully worked out plans have now been put on hold pending the major review. If the outcome of the review recommends a location other than the Mater site it will mean the effective closure of Temple Street children's hospital forever. It would be unthinkable for the north side of Dublin to lose the children's hospital.

The Mater campus is the ideal site, given its accessibility for private cars and its many public transport connections. This is essential to parents who need to bring a child to hospital in an emergency but also to the parents of many children with chronic illnesses who must attend hospital frequently and on an ongoing basis. The Mater campus can deliver the children's hospital speedily because of all the work that has already been undertaken. Most importantly, it is the optimum location because of the huge range of expertise that exists both in Temple Street and the Mater, and the fact that 30 of the 31 specialties are already provided from there.

Much party politics is involved in this matter, as well as medical politics. The goalposts have been changed to the disadvantage of Temple Street and decisions seem to be taken behind closed doors. The implications of a decision to recommend a location other than Temple Street, meaning the hospital will be lost, is beginning to dawn on people. Those on the north side of Dublin, the many families who are indebted to Temple Street and we as their public representatives will not tolerate that under any circumstances and we urge the Minister to give approval to the proposal from the Mater and Temple Street children's hospital.

Mr. Costello: Like Deputy Shortall, I am extremely concerned at the threat to the future of Temple Street children's hospital and I am committed to ensuring the hospital be retained and redeveloped on the Mater campus site that had been identified for it 20 years ago. Temple Street hospital has served the people of Dublin, not just on the north side, and the entire country very well for many generations. A brand new children's hospital was to be built on the grounds of the Mater hospital to replace the present old buildings. All the planning, design, tendering and

funding arrangements were in place for the project to begin early in 2006. However, the project was put on hold by the Tánaiste and Minister and Health and Children at the 11th hour on 29 December 2005. Temple Street was forbidden to open the tenders and consultants McKinsey and Company were appointed to produce a report on best practice for a world class paediatric facility. At the end of January 2006 McKinsey and Company produced the report and a task force was set up under the aegis of the HSE and the Department of Health and Children to recommend the best location for the new paediatric hospital. A final decision will be made in a few weeks. My concern is that the decision has already been taken by the Minister for Health and Children and the HSE. The appointment of consultants and the task force is merely a smoke-screen to give justification to a recommendation to locate the new children's hospital on the southside of Dublin, in or adjacent to the Tánaiste's constituency.

We cannot stand idly by while the northside is deprived of a world class facility in the best and most suitable location. Waiting lists are already five or six times what they are on the southside. Last night the Labour Party held a public meeting in the Teachers' Club to support the Temple Street project. The response was enthusiastic. This is the first step in a campaign to save Temple Street from the internal politics of the HSE and the Minister for Health and Children. Temple Street is the optimum location for the new hospital and its tradition must not be lost.

Mr. Broughan: The most disturbing aspect of this is that the redevelopment of Temple Street was put on hold for so long. It looked like it was making progress until the HSE report recommended that all paediatric surgery converge on one location. Some €46 million has been spent on redevelopment, planning and preparation for construction. My colleagues have referred to the Machiavellian manoeuvring between the Department of Health and Children, the Taoiseach and the Tánaiste, resulting in work on Temple Street grinding to a halt.

A few weeks ago the Minister issued a list of possible fines for incompetence and inefficiency in Irish hospitals. When can we fine the Minister for her performance in the Department? This also applies to the Taoiseach, in whose constituency Temple Street lies.

I heard the Minister on "The Late Late Show" proposing a single specialist utility for the entire country. A city of the magnitude of Dublin and the Leinster region would be best served by two facilities, one on the northside, one on the southside. Beaumont Hospital also proposed a plan for a northside children's hospital. All Dublin northside constituencies wish to retain the children's hospital at Temple Street, with access to top pae-

diatric facilities at that location. We agree that a similar facility should be maintained for the southside.

I have heard that a decision is imminent. At last night's meeting I heard mothers from the northside who were highly agitated at the prospect of having to dash across the M50 through the infamous toll bridge. If a child suffers a seizure or an asthma attack, the key is getting the child to specialist assistance as soon as possible. Introducing problems of distance in the Dublin region is not the way forward. I appeal to the Minister of State, on behalf of the united Labour Party northside Deputies, that the decision regarding Temple Street be honoured.

I refer to the strategy published in 2001. Michael Kelly was involved in this, as was the former Minister for Health and Children, Deputy Martin. We expected an enhanced specialist site for the northside region, with high quality paediatric care.

Minister of State at the Department of Health and Children (Mr. S. Power): I reply on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

The Mater and children's hospital development project was planned some years ago with a view to significantly improving the facilities for patients and staff at both hospitals. It was envisaged at that time that paediatric secondary and tertiary services could appropriately be provided at more than one location. However, it is clear from the recent McKinsey report that current best practice indicates that best outcomes for children should be provided by one national tertiary paediatric centre.

The McKinsey report was produced on foot of a request by the Tánaiste that the Health Service Executive undertake a review of tertiary paediatric services to ensure they are provided in the most efficient and effective manner. This request was made in the context of the decision to be taken on the possible relocation of the facilities at Our Lady's Hospital for Sick Children, Crumlin. Following the Tánaiste's request, the HSE engaged a team of management consultants, McKinsey and Company, to provide a report on the strategy organisation of tertiary paediatric services.

The HSE published the McKinsey report on 3 February 2006. The report recommends that best outcomes for children should be provided by one national tertiary paediatric centre, which would also provide all secondary paediatric services for the greater Dublin area. The report recommended that these secondary services would be supported by strategically located accident and emergency facilities. The report also recommended that ideally the new facility should be located on the site of, or adjacent to, a major

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adult teaching hospital in order to achieve the maximum service benefit for children.

Arising from the report's recommendations, a joint HSE and Department of Health and Children task group was established to progress matters and to advise on the optimal location for the new facility. The group has received proposals from all of the major Dublin teaching hospitals to accommodate the new children's hospital. It has also received proposals from a number of private sector interest groups and the report is expected in early April.

When a decision has been taken on the new tertiary paediatric facility, the HSE will examine the organisational arrangements necessary to progress the development, including arrangements for the provision of paediatric accident and emergency services. The work and recommendations of the task group clearly have implications for all three Dublin children's hospitals, including the Children's University Hospital, Temple Street. The Tánaiste's primary concern is to ensure the solution arrived at is in the best interests of children.

Tax Code.

Ms F. O'Malley: I am grateful for the opportunity to speak on this matter. I am aware the Finance Bill was passed yesterday. Considering what measures can be taken for the next budget is good planning.

The Chancellor of the Exchequer in Britain reduced the rate of VAT on condoms to 5%. Given the incidence and growth of sexually transmitted infections we must consider preventative measures. Condoms prevent sexually transmitted infections as well as acting as contraceptives. They are also an important weapon in the fight against HIV and AIDS. With VAT rates of 21%, Ireland has the most expensive condoms in Europe. Given the nature of sexual activity, we must remember that young people may not be able to afford condoms.

We should also reflect on prevention of pregnancies as we all deal with the results of pregnancies, particularly those that are unwanted. It is always better to invest in prevention rather than cure. The tax that would be foregone by zero rating condoms would not be considerable given the impact it could have on the health of the nation. The statistics for sexually transmitted infection have been rising at an alarming rate in recent years. We must take strong action on preventative measures and making condoms much cheaper by reducing VAT on them would be one way of doing this. We have much to learn from the British example on this and as we look forward to the next budget I hope the Minister will consider zero rating condoms given the important place they have in the prevention and control of

sexually transmitted diseases and unwanted pregnancies.

Mr. S. Power: I thank the Deputy for raising this important issue. The use of condoms is one of the simplest and most effective ways to guard against both unplanned pregnancy and the transmission of infection. I encourage sexually active people to continue to act responsibly in this regard. I am aware also of the decision announced recently by the British Chancellor of the Exchequer to reduce the rate of VAT on condoms and other contraceptives from 17.5% to 5% and that this has been welcomed by groups working in the field of sexual health.

The Government established the Crisis Pregnancy Agency in 2001 to address the issue of crisis pregnancy. Its remit includes the objective of seeking to reduce the number of crisis pregnancies by the provision of education, advice and contraceptive services. I am aware that the agency wrote to the Minister for Finance in August 2003 proposing a reduction in the VAT rate on condoms from 21% to 13%. The agency noted that consistent and proper use of contraceptives can help prevent crisis pregnancy, and condoms also afford protection against sexually transmitted infections. It also indicated that clinical trials have shown that correct and consistent use of condoms can lead to 95% to 98% contraceptive efficacy rates. Condoms are widely available from a variety of outlets nationwide without prescription. The Deputy will appreciate that the question of reducing the rate of VAT on condoms is one for the Minister for Finance in the first place and the Minister for Health and Children has no direct role in the matter.

School Accommodation.

Mr. McEntee: I am grateful for the opportunity to raise the important matter of the lack of facilities at Ashbourne community school. Ashbourne is one of the fastest growing communities not only in Meath but in Ireland. Within living memory it was a small, rural village. The local community school lies at the heart and well-being of Ashbourne and the surrounding area. I visited Ashbourne community school last week with the Fine Gael Party spokesperson on education and science, Deputy Enright. We wanted to see at first hand the situation at this well established community school in County Meath. We met the principal Ms Áine O'Sullivan and some of her teaching colleagues.

Ashbourne community school has an outstanding reputation across a wide area of Meath and parishes in North Dublin. The school like almost nothing else has bound the people of Ashbourne and the neighbouring parishes together as a community. I got to know the community school, its staff and pupils well since I was elected a Deputy last year. One of my first public events was to address the transition year students. The obvious

lack of facilities for young people in Ashbourne generally, and more particularly in the community school, struck me very forcefully. Ashbourne community school has primitive facilities for physical education for its 918 pupils. The existing PE facilities were built for a much smaller school population. They must also be used for other general school subjects. This is unfair to the pupils and their dedicated teachers when trying to encourage physical activity among young people.

The most startling and shocking aspect of our recent visit to Ashbourne community school for both Deputy Enright and me was the lack of a proper, modern canteen for the students. Most students sat along the corridors of the school eating their lunch. In the era of the Celtic tiger that must be addressed urgently. A solution to this appalling situation can no longer be long fingered by the Minister for Education and Science.

Ashbourne has grown in leaps and bounds since the community school first opened its doors. The student population has significantly outgrown the existing facilities in the school. This has placed significant additional pressures on the excellent teaching staff and pupils of the school. The lack of a proper canteen and proper PE facilities are only two of the obvious limitations of the existing building. The teachers, pupils and the parents of Ashbourne community school deserve better. The school is involved in ongoing fund-raising to provide the basic facilities that should be an integral part of any second-level school. That is not as it should be. The Department of Education and Science must accept its responsibilities to provide basic facilities such as a canteen area. The Minister for Education and Science's response must give a clear indication of the funding being made available for this project and a realistic timeframe for the work to be completed in Ashbourne community school. The current situation for the staff, students and their parents is intolerable and cannot be allowed to continue.

Mr. S. Power: I will take this adjournment on behalf of my colleague the Minister for Education and Science, Deputy Hanafin. I thank the Deputy for raising this matter as it affords me an opportunity to outline to the House the current position of the Department of Education and Science regarding the application for additional accommodation at Ashbourne community school, County Meath.

Meeting the modernisation needs of our 3,200 primary and 750 post primary schools and responding to emerging needs in areas of rapid population growth is a major priority for the Government. Since taking office, this Government has shown a sincere determination to improve and modernise conditions of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. This

Government has invested in the largest school building programme in the history of the State. Between 1998 and the end of 2004, almost €2 billion was invested in school buildings and approximately 7,500 large and small projects were completed in schools including 130 new schools and 510 large scale refurbishments or extensions. Funding for school building and renovation projects increased five-fold since 1997. In 2006, €491 million will be spent on school building projects, compared to just €92 million in 1997. The 2006 allocation is, in its own right, an increase of more than 9% in real terms on the 2005 allocation. As the Deputy will be aware, at the end of last year the Minister for Education and Science outlined the spending plans for primary and post-primary schools for 2006. With €491 million to be spent on school buildings, more than 1,300 projects will be active in schools all over the country. This significant investment will allow the Minister for Education and Science to continue to progress the major programme of school building and modernisation which includes improving equipment needed for new technologies and ICT.

With regard to Ashbourne community school itself, this is a co-educational post-primary school. It has a current enrolment of 917 pupils. The Department recently completed a major extension project at the school at a cost in excess of €2.5 million to cater for the school's long-term accommodation needs which was projected at 1,000 pupil places.

The school authority currently has an application with the Department of Education and Science for a PE hall. This application will be considered in line with the overall criteria for the selection of capital projects as revised last year following consultation with the education partners. These criteria are structured to ensure, as a matter of top priority, that no child is left without a place to attend school, special needs provision is made to allow access for all and problems are resolved as quickly as possible where the day-to-day functionality of a school is threatened. No application has been received for the provision of additional classroom accommodation at Ashbourne community school. The Department has been given no indication that there is a deficit of mainstream classrooms at the school. The accommodation capacity requirements associated with the school's current enrolment of 917 pupils has been addressed through the recent extension project. In the circumstances the Department of Education and Science would not anticipate any application from the school for extra classrooms. If dining facilities are required by the school, it should make immediate contact with officials in school planning section of the Department of Education and Science for assistance with regard to submitting a revised capital funding application form. If circumstances have changed in relation to the school's overall capital funding requirements, immediate contact should be made with the school planning section of the Depart-

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ment of Education and Science so that the position with regard to the school's application for capital funding can be regularised and the process of re-assessing the application can be commenced.

I thank the Deputy once again for raising this matter.

The Dáil adjourned at 5.10 p.m. until 2.30 p.m. on Tuesday, 4 April 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 9, inclusive, answered orally.

Tax Code.

10. **Mr. Bruton** asked the Minister for Finance if his provision in the Finance Bill 2006 to impose penalties on tax avoidance schemes, subsequently proved illegal, has been affected by a recent European Court of Justice ruling on what can be regarded as abusive and attracting a penalty. [12368/06]

Minister for Finance (Mr. Cowen): Section 126 of the Finance Bill seeks to ensure that attempting to avoid tax, using means that would not succeed if challenged by reference to the general anti-avoidance section, section 811 of the Taxes Consolidation Act 1997, will no longer be a risk-free activity. Taxpayers considering the use of artificial arrangements to avoid tax will now have to take account of the risk of having to pay an additional 10% surcharge on the tax that they attempt to avoid. In addition, they run the risk of having to pay interest back to the date when the tax concerned would have become payable if there had been no avoidance.

The new section enables taxpayers to protect themselves against any possibility of the new surcharge or interest arising. Taxpayers can do this by making a protective notification to Revenue of the transaction concerned and they can avail of this option on a wholly “without prejudice” basis.

I take it that the Deputy is referring to the European Court of Justice ruling last month in the case colloquially known as Halifax. I should point out that this ruling was in respect of a UK case not an Irish case. The ruling is primarily relevant to VAT — a tax governed by EU law — although it is, of course, possible that, in time, similar principles may inform ECJ decisions in respect of other taxes. The court found that the European civil law principle prohibiting abusive practices applies to VAT. Where such abusive practices are undertaken to enable a taxpayer to claim a deduction for VAT paid on inputs, the court ruled that the taxpayer is not entitled to deduct the input VAT concerned.

The ruling addressed the definition of transactions that involve abusive practices. In summary, it found that transactions involve an abusive practice where, first, a tax advantage accrues from the transactions and, second, the essential aim of the transactions is to obtain that tax advantage. According to the ruling, it is for the national court to verify whether action constitut-

ing an abusive practice has taken place. In the case of Halifax, this will be ultimately determined in the UK courts.

The Revenue Commissioners advise me that they do not expect that this judgment will adversely affect the operation of the section to which the Deputy refers in his question. It is worth pointing out that the judgment’s specification of the circumstances in which an abusive practice arises are not, in substance, dissimilar to the criteria in Irish tax law for identifying tax avoidance. These are set out in the general anti-avoidance section — section 811 of the Taxes Consolidation Act 1997 — on which section 126 of the Finance Bill is based. The issues involved are complex and, ultimately, it will be for the courts to decide how the ECJ judgment will affect the operation of section 126.

11. **Mr. Ring** asked the Minister for Finance the issues which are being reviewed in assessing whether the exemption from stamp duty on site values should apply where developers build houses on the basis of a licence to build from the landowner; and if he will make a statement on the matter. [12532/06]

67. **Mr. Howlin** asked the Minister for Finance the steps he plans to take to close the loophole which allows some property developers to avoid stamp duty by developing land under licence from the original owner; and if he will make a statement on the matter. [12378/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 11 and 67 together.

Stamp Duty is a charge on documents, which are mostly legal documents, used in the transfer of property. Where a property is purchased, stamp duty is charged on the conveyance or transfer effecting change of legal ownership of the property concerned. If there is no conveyance, there is no stamp duty. A builder or developer can, therefore, obtain a licence from a vendor to build on land owned by the vendor without incurring a stamp duty charge at that stage of the venture. Once the buildings, whether commercial or residential are completed, the conveyances or transfers of such properties to purchasers are chargeable to stamp duty in the normal manner unless specific exemptions are available to such purchasers.

Taking account of the proliferation of developments generally in recent times and in the context of its targeted auditing project in the construction sector in 2006, the Revenue Commissioners are reviewing the use of licensing and similar arrangements as part of their audit and compliance programmes. The review, as with Revenue’s overall approach to its business, will focus on risk. I have asked Revenue to let me know the outcome of the review and I will decide what action, if any, is required bearing in mind

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the effect on the housing market and the cost to the Exchequer.

Proposed Legislation.

12. **Mr. J. O’Keeffe** asked the Minister for Finance the steps which are being taken to amend the Stock Exchange Act 1995 to protect investors, in particular those whose shares are held electronically, in the event of the collapse of a stockbroking firm so holding such shares; and if he will make a statement on the matter. [12366/06]

92. **Mr. J. O’Keeffe** asked the Minister for Finance if a report or statement of affairs from the receiver will be made available to the investors arising from the process of the receivership of a collapsed firm (details supplied); if not, the reason therefor; and if he will make a statement on the matter. [12367/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 12 and 92 together.

A number of legislative and regulatory measures to increase the protection of investors, including those who hold shares electronically, are currently being considered by an expert working group established under the aegis of my Department. The membership of the working group is composed of industry and consumer representatives as well as the Financial Regulator, the Central Bank and my Department. I am advised that the report of the group is currently being finalised. The recommendations of the group will be carefully considered in order to ensure that the interests of investors are appropriately safeguarded and a competitive environment for firms providing investment services is maintained.

I understand that the Irish Stock Exchange, ISE, which is represented on the group, advocates moving towards full dematerialisation, involving the replacement of share certificates and transfer forms with electronic records. Apart from keeping pace with industry practice around the world, electronic certification of shareholdings would also reduce the opportunity for fraud. Electronically held shares can reduce uncertainties relating to the ownership of client assets and consequently contribute to speedier distributions following a collapse. If shares were to be held electronically, and clients to receive independent verification of their assets, this would go a long way towards avoiding a situation where the assets in the possession of the firm do not match those that should be held for clients. Delays in the receivership process could be reduced where holdings are electronically certificated. The Deputy may wish to note that the legal principle established by the High Court was that there did not appear to be any basis in law or in logic for making a distinction between electronic and certificated shares as to the manner in which they

should be treated in the event of the collapse of a stockbroking firm.

A dematerialisation implementation group has been established by the ISE comprising representatives of all relevant securities markets, regulatory and governmental authorities including the Department of Enterprise, Trade and Employment within whose remit dematerialisation falls. It would obviously be essential that any migration to full dematerialisation is effectively underpinned by any changes required for investor protection in the legislative or regulatory framework.

In relation to the Deputy’s question concerning access to information from the receiver, I should point out that a receiver is a court appointed official. The court oversees the receivership process and the receiver reports to the court at the conclusion of the receivership. In the particular case, the receiver applied to the court on a number of occasions for direction in relation to matters associated with his administration of the receivership.

It is open to any investor to request the court to be put on notice of the timing of the receiver’s final report and to ask the court for a copy of the report. It would be a matter for the court to decide whether, or not, to accede to any investor’s request and-or to require that a receiver’s report be published more widely.

National Development Plan.

13. **Mr. Noonan** asked the Minister for Finance his plans for changes in the way in which a successor to the NDP will be drawn up. [12508/06]

38. **Mr. Allen** asked the Minister for Finance the preparations which have taken place regarding a replacement for the national development plan; and the way in which the inputs will be cobbled into a coherent programme. [12524/06]

48. **Mr. Sargent** asked the Minister for Finance if an independent evaluation study of investment needs over the period 2007 to 2013 in preparation for the next national development plan has been completed; and if same will be made available to the public. [12416/06]

74. **Mr. Naughten** asked the Minister for Finance his plans for a successor to the national development plan; and if he will make a statement on the matter. [12549/06]

88. **Mr. Quinn** asked the Minister for Finance the progress of the consultation process promised in advance of the introduction of a new national development plan; and if he will make a statement on the matter. [12392/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 13, 38, 48, 74 and 88 together.

Last August the Government announced its decision to prepare a successor to the current National Development Plan 2000-2006. The next NDP will cover the period 2007 to 2013 and its preparation is being co-ordinated by my Department. A high level steering group chaired by my Department and comprising senior officials of relevant Departments has been established to oversee the drafting of the plan and has met on a number of occasions to date.

An extensive consultation process on the next national development plan is underway. Formal submissions have been sought from the social partners, the regional assemblies, regional authorities and a number of concerned interest groups such as the Heritage Council, Comhar, the Combat Poverty Agency and the Western Development Commission. A number of submissions have already been received and my Department has also had meetings with some of the bodies concerned.

An evaluation of investment priorities for the period of the next NDP is being conducted by the Economic and Social Research Institute. When the ESRI has concluded its work, its evaluation will be presented to Government in the first instance. As was the case with previous evaluations it is envisaged that the ESRI evaluation will be published.

The content and focus of the next NDP and the resultant allocations and prioritisation will be a matter for decision by Government. In doing so, the Government will take account of the recommendations of the ESRI study and the results of the consultation process. I envisage that the new plan will seek to address the investment now necessary to maintain national competitiveness within a sustainable economic and budgetary framework. It will also set out a coherent investment strategy at sectoral level with particular reference to the infrastructure investment necessary to meet economic and social challenges.

In addition the plan will address the following horizontal themes: the implementation of the national spatial strategy; the all-island dimension and the potential benefits of cross-Border co-operation; the EU Lisbon process; the promotion of social inclusion; and environmental sustainability.

Tax Code.

14. **Mr. Connaughton** asked the Minister for Finance his views on whether any other elements of the Irish tax code could be subject to challenge under state aid rules. [12527/06]

Minister for Finance (Mr. Cowen): Article 87(1) of the EC Treaty prohibits, in general terms, the granting of aid by the state which distorts competition by favouring certain undertakings or the production of certain goods, in so far as the aid is liable to affect trade between member states. There are a number of com-

ponents to this provision, all of which must be met before a particular type of support can be classified as a state aid. The principal components are that: the aid in question is granted by a member state, which includes regional or local authorities, or other bodies that are acting on behalf of the state, or through state resources in any form whatsoever; the aid confers an advantage on the recipient; the aid is selective in its application, inasmuch as it is not afforded to other undertakings in the market in general; the aid is capable of distorting competition, usually by strengthening the competitive position of the beneficiary relative to other participants in the market, and is thus liable to have an effect on trade between member states. The EC Treaty also provides for circumstances in which state aids may be permissible in light of considerations of public policy.

The enforcement of the state aid rules across the member states is primarily a matter for the European Commission. It is not the practice of Ministers to comment on areas where, depending perhaps on interpretation of rules, or changing practice or jurisprudence, the Commission might wish to take a view in relation to the Irish tax code. As far as Ireland is concerned, all new proposed tax incentives are examined in light of the state aid rules and it has been the general practice over recent years to discuss such measures with the European Commission and to notify schemes as appropriate.

Decentralisation Programme.

15. **Mr. Coveney** asked the Minister for Finance if the issue of confining promotions to only persons willing to decentralise has been modified as a result of recent Labour Court hearings; and if he will make a statement on the matter. [12510/06]

33. **Mr. Kehoe** asked the Minister for Finance if he has had discussions publicly or privately or through an intermediary with the management of FÁS in relation to its proposed decentralisation or issued observations in relation to the proposal. [12538/06]

55. **Mr. McCormack** asked the Minister for Finance his proposals to overcome the impasse in the decentralisation of State agencies where there are very few volunteers to move, no clear career path for persons who opt not to move and attempts by management to confine competitions for promotion to persons willing to decentralise has been ruled in breach of agreements by the Labour Court. [12528/06]

59. **Mr. Boyle** asked the Minister for Finance if Government policy on decentralisation in regard to the State agencies has changed from voluntary to compulsion; and what will happen to those employees who refuse to relocate. [12406/06]

63. **Mr. Eamon Ryan** asked the Minister for Finance if he is prepared to review the decentralisation programme for the State agencies in view of the fact that trade union members have issued a strike notice in relation to the issue. [12415/06]

81. **Mr. Quinn** asked the Minister for Finance if his policy remains that the Government's decentralisation programme will be carried out on a voluntary basis and that no public servant will be put at a disadvantage as a result of a declining to relocate; his views, in this context, on the growing industrial relations problem in the public sector as a result of problems arising from the decentralisation programme; and if he will make a statement on the matter. [12393/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 15, 33, 55, 59, 63 and 81 together.

Both the Government and I have made it clear that participation in the decentralisation programme is voluntary. From the outset guarantees have been provided at Government level that all those employees not wishing to transfer out of Dublin will be facilitated with an alternative public service post in Dublin. This position has not changed.

The following is the current position in relation to promotions policy and decentralisation. In the Civil Service, progress has been made in discussions with the general service unions on issues relating to decentralisation including promotions arrangements. Discussions are ongoing on these issues with the unions representing the professional and technical grades in the Civil Service. I am hopeful these and other decentralisation issues arising in the State agency sector can be discussed with the relevant unions with a view to arriving at arrangements which support the decentralisation process while also meeting the concerns of staff. In the meantime, practices in decentralising organisations relating to recruitment, promotion, etc., must take account of the reality of decentralisation.

Turning now to the FÁS issue, officials of my Department and the parent Department of Enterprise, Trade and Employment are in regular communication with FÁS management on various aspects of the implementation of the decentralisation programme. It would be helpful to outline the Labour Court ruling. In its recent recommendation in a dispute between SIPTU and FÁS concerning decentralisation and FÁS contracts of employment, the Labour Court considered the written and oral submissions of the parties. The court also noted the terms of the company-union industrial relations procedures agreement and said that it was of the opinion that FÁS was in breach of the consultation procedures provided for in that agreement. It made no ruling on the substantive issue of the relocation clause.

The court recommended that the matter be referred back to the appropriate central body, at

which level the issues should be teased out with a view to arriving at agreed long-term solutions, in consultation with all the parties involved.

I strongly support the full use of existing industrial relations structures by all the parties involved and believe that this represents the best way forward. I would, therefore, encourage all the parties to the dispute to engage in central discussions as recommended by the Labour Court. It is only through dialogue that the issues raised can be addressed. I understand that FÁS has accepted the Labour Court recommendation and are available for talks. I hope that SIPTU will also be agreeable to participate fully in talks to facilitate an early resolution of this dispute.

Undoubtedly, there are complexities involved in the State agency aspects of the decentralisation programme which do not exist in the Civil Service. The Government and the decentralisation implementation group have always recognised that this would be the case. However, both the Government and the DIG remain of the view that these challenges can be addressed through the active engagement of management and unions. This State agency element of the programme will be implemented.

I am confident that we can arrive at a set of arrangements which will progress the decentralisation programme while also addressing the concerns of staff. To do so, however, requires the active engagement of staff interests at the negotiating table.

Pay Rates.

16. **Mr. Hayes** asked the Minister for Finance if research has been conducted into the gap between public sector and private sector pay; and if he will make a statement on the matter. [12521/06]

Minister for Finance (Mr. Cowen): The Government position on public service pay is very clear. The public service must be able to attract and retain a reasonable proportion of good quality staff at all levels. In this respect, it should neither lead the field, nor trail behind. The independent benchmarking process affords a means whereby painstaking comparisons between public service jobs and their counterparts in the private sector can be made and appropriate pay rates for the public service determined. This process looks at qualifications, responsibilities, hours worked and a range of other factors.

The job evaluation and salary review carried out by the Public Service Benchmarking Body in its first review in 2000 to 2002 was one of the most extensive ever carried out not alone in this country but anywhere. While the benchmarking body, which has now commenced the second benchmarking exercise, may not find it necessary to repeat reviews on quite the same scale given the sizable existing data bank, it is expected to

carry out extensive independent research as part of this exercise also.

While my Department monitors pay developments across the economy on an ongoing basis, it does not carry out or commission its own research on public and private sector jobs and pay rates — except in respect of a limited number of specific cases such as the appropriate remuneration levels of chief executive officers of commercial State companies — as this would be to duplicate the work and costs of the benchmarking body.

There have been some other research projects carried out into the levels of public and private sector pay using different methodologies. While I am satisfied that the benchmarking approach based on comparisons of actual job responsibilities and weights is the most appropriate, such other research approaches are a useful additional input and will no doubt be considered by the benchmarking body in its work.

Decentralisation Programme.

17. **Mr. Rabbitte** asked the Minister for Finance the discussions he has had with other Departments or State agencies which are concerned at the potential loss of expertise and corporate knowledge as a result of the Government's decentralisation programme; the steps being taken to address these concerns; and if he will make a statement on the matter. [12394/06]

Minister for Finance (Mr. Cowen): When the decentralisation programme was announced the Government appointed a decentralisation implementation group to drive the process forward. The implementation group asked that all organisations participating in the programme should prepare detailed implementation plans, including risk mitigation plans. These plans were prepared and submitted to the group. In its July 2004 report, the group noted that the overall quality of the plans was good. In line with a recommendation in the group's November 2004 report, each of the Departments and organisations scheduled as early movers has prepared a revised implementation plan detailing the steps that need to be taken in order to complete the moves to the new locations successfully. These have been submitted to the group which has been examining them in detail. All other decentralising organisations are currently preparing revised implementation plans.

I understand the implementation group has recently met with the Secretaries General of decentralising Departments to discuss the overall planning frameworks and review progress to date. Following this round of discussions I understand that the chairman of the group has stated that he is satisfied that senior civil servants are leading the implementation of this programme in a professional and carefully planned manner. In addition, the early assignment of staff to the part-

icular posts which are decentralising will greatly assist in skilling up staff in their new roles. To date, I am pleased to report that in excess of 1,200 staff have been assigned to decentralising posts.

On a more general note, the Deputy will be interested to note that the Committee for Public Management Research, CPMR, has prepared a discussion paper entitled, *A review of knowledge management in the Irish Civil Service* — CPMR paper No. 30. This study aims to raise awareness of knowledge management issues and approaches among Departments and offices.

18. **Mr. Rabbitte** asked the Minister for Finance the information available from the central applications facility in respect of applications from civil servants and other public servants currently located in Dublin who wish to transfer to new locations outside of Dublin under the Government's decentralisation programme; the way in which this compares with the Government target of 10,300; if agreement has been reached with all public service unions regarding promotional opportunities for persons who chose to move and persons who opt to remain where they are; and if he will make a statement on the matter. [12395/06]

Minister for Finance (Mr. Cowen): The latest figures from the central applications facility show there is very substantial interest in the programme. To date there have been over 10,600 applications made to the central applications facility. Of these over 50% are from Dublin based staff.

The following is the current position in relation to promotions policy and decentralisation. In the Civil Service, progress has been made in discussions with the general service unions on issues relating to decentralisation including promotions arrangements. Discussions are ongoing on these issues with the unions representing the professional and technical grades in the Civil Service. I am hopeful these and other decentralisation issues arising in the State agency sector can be discussed with the relevant unions with a view to arriving at arrangements which support the decentralisation process while also meeting the concerns of staff. In the meantime, practices in decentralising organisations relating to recruitment, promotion, etc., must take account of the reality of decentralisation.

19. **Mr. P. McGrath** asked the Minister for Finance the number of meetings which he has had with the implementation commission for decentralisation; and the subject of these meetings. [12537/06]

Minister for Finance (Mr. Cowen): When the decentralisation programme was announced, the Government appointed a decentralisation implementation group to drive the process forward. The group formally submits its reports on pro-

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gress with implementation of the programme to me which I then submit to the Government for its consideration. The Government has approved the recommendations contained in the group's reports published in March 2004, July 2004, November 2004 and June 2005.

In addition, I met the current chair of the group in July last during which I received an update in relation to the main issues arising on implementation of the decentralisation programme. I also met the former chair of the group in November 2004. In addition, I understand that my predecessor met the former chair of the group in March 2004.

Social Partnership.

20. **Mr. Timmins** asked the Minister for Finance his ambitions for the current round of social partnership talks. [12541/06]

Minister for Finance (Mr. Cowen): Talks on a new national partnership agreement to follow Sustaining Progress commenced recently. Although it would be imprudent to make any detailed statement at this stage about these talks, I will say that I am concerned about the decline in cost competitiveness in recent years. This is having an impact on employment in the exposed sectors of the economy. We must maintain and improve the attractiveness of Ireland as a location for inward foreign direct investment.

Wage increases in Ireland have significantly exceeded those of our major trading partners for some time. Increases under Sustaining Progress are somewhat lower than previous agreements, on average about 4% a year. However, these increases are markedly above those being experienced in major European economies and it is important, in any new agreement, that pay increases are kept at, or below, those of our European partners.

Fundamentally, in concluding a new pay deal we must ensure that we do not adversely affect the long-term competitiveness of the country. If pay increases under the next agreement are not kept at a moderate level and do not take account of pay levels in competitor countries, we may see the beginning of job losses in vulnerable parts of the private sector.

EU Funding.

21. **Caoimhghín Ó Caoláin** asked the Minister for Finance the discussions he has had with his EU counterparts, including the British Government, regarding new funding for the PEACE programme in the period 2007 to 2013; the outcome of those discussions; the position regarding the funding proposal; and if he will make a statement on the matter. [12283/06]

130. **Caoimhghín Ó Caoláin** asked the Minister for Finance the discussions he has had with his

EU counterparts, including the British Government, regarding new funding for the PEACE programme in the period 2007 to 2013; the outcome of those discussions; the position regarding the funding proposal; and if he will make a statement on the matter. [12712/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 21 and 130 together.

The Government is very aware of the valuable role that PEACE II and its predecessor, PEACE I, have played in building peace and reconciliation in Northern Ireland and the Border region. Therefore, I am very glad to be able to report that due to efforts of the Irish and the British Governments, the agreement at European Council of 16 December last on the financial perspectives for 2007 to 2013 included a provision for a successor to these programmes, PEACE III.

The European Union will provide €200 million towards the PEACE III programme. The relevant EU regulations are being finalised by the European Council and European Parliament. I expect PEACE III will be accepting new applications for funding in early 2007.

Revenue Investigations.

22. **Mr. Stagg** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the Clerical Medical Insurance and NIB inquiry at the latest date for which figures are available; the number of cases where settlements have been agreed; the amount paid to date; the number of cases outstanding; and if he will make a statement on the matter. [12403/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that arising from the Clerical Medical Insurance-NIB inquiry, 465 cases have been targeted for investigation. To date, 306 cases have been settled on payment of tax, interest and penalties amounting to a total of €53.78 million. A further 122 cases have been finalised with no additional liability arising. The remaining 37 cases are the subject of ongoing investigation, in respect of which €3.25 million has been paid on account.

In the course of 2003, three cases were prosecuted, with fines being imposed in two cases and a suspended sentence imposed in the other. The individuals concerned have also settled their tax affairs and paid the outstanding tax, together with interest and penalties. A further case is currently under investigation with a view to prosecution.

Aggregate results of the ongoing investigations have been published each year since 1998 in the annual reports of the Revenue Commissioners. Individual details of settlements have also been published where the provisions of section 1086 of the Taxes Consolidation Act 1997 applied.

Tax Yield.

23. **Mr. Broughan** asked the Minister for Finance if he will make a statement on the Exchequer returns for the first two months of 2006. [12373/06]

Minister for Finance (Mr. Cowen): As the Deputy may be aware, the monthly Exchequer returns are available on my Department's website, as are my Department's receipts, expenditure and debt service profiles for 2006. The results for the first two months of 2006 confirm that the public finances remain sound. There was an Exchequer surplus of €2,415 million at end-February.

Tax receipts to end-February at €7,310 million were up 19.4 per cent on the same period last year and were €77 million or 1.1% ahead of profile. The main excesses over profile were on capital gains tax, €129 million, corporation tax, €91 million, and stamp duty, €40 million, while VAT, income tax and excise were €163 million, €30 million and €12 million below profile, respectively.

Overall Exchequer issues for net voted spending were €5,385 million at end-February compared to €5,161 million for the same period last year, an increase of €224 million or 4.3%. This was €147 million or 2.7% below profile due to lower than expected issues for current spending. Debt service is in line with expectations.

Alternative Energy Projects.

24. **Mr. Stanton** asked the Minister for Finance his plans to reduce tax on sales of biofuel cars and biofuels as an incentive to persons wishing to develop the biofuel industry; and if he will make a statement on the matter. [12547/06]

Minister for Finance (Mr. Cowen): While the promotion of biofuels is primarily a matter for my colleague, the Minister for Communications, Marine and Natural Resources, I am pleased to inform the Deputy that in the Finance Bill 2006, which has just completed its passage through the Dáil and Seanad, I have provided for significant tax measures to promote biofuels in Ireland. The new large scale scheme of excise relief for biofuels to be established will provide for excise relief on up to 163 million litres of biofuels per annum, cost more than €200 million over five years starting this year, when fully operational will result in carbon dioxide savings of more than 250,000 tonnes per annum, meet a target of 2% transport fuel market penetration by biofuels, help reduce our dependency on conventional fossil fuels and stimulate activity in the agricultural sector. As a complementary measure, I have also provided for a new 50% VRT relief to promote new flexible fuel vehicles.

These are major initiatives aimed at promoting biofuels in Ireland. With respect to the excise relief scheme, I should say that as any such scheme is deemed a State aid by the European

Commission, the necessary approval from the Commission is required. Preliminary discussions have already taken place between the Department of Finance, the Department of Communications, Marine and Natural Resources and the European Commission in this regard. Once approval has been granted, the Department of Communications, Marine and Natural Resources will advertise the scheme and set out the procedures for applying for the excise relief.

Tax Clearance Certificates.

25. **Ms B. Moynihan-Cronin** asked the Minister for Finance if all certificates for tax allowance and credits have been sent out to all taxpayers; the reason for the delays that arose in 2006; if he has satisfied himself with the accuracy of the certificates sent out; and if he will make a statement on the matter. [12384/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the issue of approximately 2.2 million individual tax credit certificates to PAYE customers reflecting the budget changes was completed at the end of February. The timescale for completion of the bulk issue this year was of the order of two to three weeks longer than usual. A dimension for 2006 was the new PAYE computer system put in place by Revenue last October that will form the bedrock for a range of improved services for PAYE customers later this year. The bulk issue of tax credit certificates for 2006 was the first in the new system and Revenue advises me that it took some additional time as part of the process of bedding in the new system. The issue of the tax credits notices to employers was prioritised by Revenue so as to ensure that payroll benefits arising from the budget changes were put into effect as quickly as possible.

At the time of the bulk issue each year Revenue may not be aware of changed circumstances of customers and this can result in tax credit certificates issuing that do not reflect the most up-to-date position for a customer. Revenue advises me that tax credit entitlements for a minority of customers were affected in the major changeover process to the new computer system. Revenue assures me that it has a very active process of identifying any such customers and, where appropriate, issued amended notices to employers to enable them to adjust the payroll deductions. Amended tax credit certificates for individuals subsequently issued as part of this process and any entitlements were backdated to the start of the year.

Motor Vehicle Registration.

26. **Ms Shortall** asked the Minister for Finance the way in which number plate providers are regulated here; his plans to introduce registration and monitoring of such providers to allow for the

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greater enforcement of road traffic law and to curb crime. [9197/06]

Minister for Finance (Mr. Cowen): With regard to car registration regulation, the Revenue Commissioners are the vehicle registration authority in the State. I am advised by the Revenue Commissioners that the owner-driver of a vehicle is responsible for ensuring that his or her vehicle registration plates comply with the law and it is an offence under section 139(1)(b) of the Finance Act 1992 to be in possession of a vehicle displaying a vehicle registration plate in a format other than as prescribed. The format, dimensions and technical specifications of identification marks — vehicle registration plates — to be displayed on vehicles in the State are set out in SI 318 of 1992 as amended by SI 432 of 1999. These regulations are well known and widely understood by the motor trade.

The Deputy may wish to note that Revenue mobile units and the Garda Síochána are actively engaged in the detection of vehicles displaying non-conforming registration plates and that the Department of Transport, which have responsibility for the provision of the national car test, rates such display as a failure in the test. At present, there are no plans to impose further regulatory control in this area, such as by regulating the providers of the number plates.

Freedom of Information.

27. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he has received the report of the Information Commissioner for the purpose of review of non-disclosure provisions in accordance with the Freedom of Information Act 1997; and if he will make a statement on the matter. [12284/06]

34. **Ms Burton** asked the Minister for Finance if his attention has been drawn to the comments made by the Information Commissioner, Ms Emily O'Reilly, at a meeting of the Joint Committee on Finance and the Public Service in which she expressed the view that the scope of the Freedom of Information Act 1997 needed to be extended further; if he intends to extend the scope of the Act further; if the 109 additional bodies have been brought within the scope of the Act; and if he will make a statement on the matter. [12371/06]

50. **Dr. Twomey** asked the Minister for Finance his views on a consolidation of exclusions from the Freedom of Information Act 1997 as recommended by the Information Commission and to make arrangements whereby new exclusions being proposed would be brought to the notice of the Commission for observation before they are enacted. [12522/06]

69. **Mr. Perry** asked the Minister for Finance if arrangements will be made that the Information Commissioner is consulted in assessing the merits of extending the Freedom of Information Act 1997 to the vocational educational committees, IFSRA, the Adoption Board, the Garda Síochána and so on in order that the Government have access to the full range of expertise available in making such decisions. [12534/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 27, 34, 50 and 69 together.

I have seen the report of the Information Commissioner concerning non-disclosure provisions. The report was submitted to the Joint Committee on Finance and the Public Service as part of the process under section 32 of the Freedom of Information Acts whereby an authorised joint committee of both Houses of the Oireachtas is required to review from time to time the operation of non-disclosure provisions in other enactments that are not listed in the third schedule to the Freedom of Information Acts. I understand the joint committee is undertaking such a review at present and is dealing with reports it has received from Ministers and the Information Commissioner's report in this context.

I am aware of the views expressed by the Information Commissioner on extension of the Freedom of Information Acts. Freedom of information has been extended from 67 bodies since April 1998 to almost 400 today. Regulations to extend the Acts to more than 100 other bodies will be brought forward shortly. As regards further extensions, I would refer to the reply I gave the House on 28 February in which I indicated that extension of the Acts to a number of other bodies is being considered. The question of observations being sought from the Information Commissioner on draft legislation would be determined on a case-by-case basis. I see no reason to change that approach. I have no proposals for the Information Commissioner to be consulted on the merits of applying the Acts to particular bodies.

Regarding the Information Commissioner's suggestion for a non-disclosure Act, this clearly represents the Commissioner's view and what she believes should be in place for freedom of information purposes. However, the suggestion may not take fully into account the existence of the legal frameworks covering the large number of other legislative regimes that include non-disclosure provisions. I am not convinced that it would assist transparency, accessibility or legal clarity for those legal structures to have all non-disclosure provisions codified into a separate Act. The legislative change suggested by the Information Commissioner would also require a major review of the Statute Book and amendments to a wide range of acts to achieve the cross references needed. The existing arrangement appears to be clearer, whereby the Oireachtas addresses all new legislation separately and a non-disclosure pro-

vision is included or not according to the scheme of the particular bill; if a non-disclosure provision is not listed in the third schedule to the Freedom of Information Acts, it is subject to review under section 32.

Employment Levels.

28. **Mr. McGinley** asked the Minister for Finance his views on the contrasting trends reported by the Central Statistics Office in respect of employment growth and output growth in the economy, which implies an unexplained collapse in productivity growth in economy here. [12502/06]

Minister for Finance (Mr. Cowen): The CSO's most recent employment figures, taken from the quarterly national household survey, show that average employment in 2005 was 1,952,000 people. This was an increase of 87,000 jobs or 4.7% on 2004. The sectors making the greatest contribution to this increase were construction, up by 30,900 or 14.4%, financial and other business services, up by 18,500 or 7.7%, wholesale and retail trades, up by 11,700 or 4.4%, and health, up by 9,400 or 5.2%. On the other hand, employment in industry fell by 7,600 persons or 2.5%.

The CSO's most recent national accounts data show that GDP rose by 4.7% last year. Output in all sectors was up on 2004 with the exception of the agricultural sector. The growth in employment and GDP can be used to calculate a crude indicator of the trend in labour productivity. Employment growth of 4.7% and estimated GDP growth of 4.7% implies no increase in aggregate labour productivity in 2005. Care should be taken in interpreting differences between trends in employment and in GDP because timing differences and statistical volatility can affect the results. In particular, estimates of GDP are still subject to revision. However, there is evidence in recent years to suggest that while labour productivity levels continue to increase, the rate of growth is slower than previously.

A major factor influencing the slowdown in the rate of increase in labour productivity is the change in the sectoral composition of the workforce. Productivity growth rates in Ireland have been exceptionally high compared with other countries because of the large numbers of foreign owned high technology industries that generate very high levels of output or value added. However, much of the strong growth in employment in recent years has been in other sectors, such as construction and retail, with the result that the overall productivity levels have not grown as quickly as in the past, although the total numbers employed have increased at a record rate.

While employment growth in 2005 has marginally exceeded the estimated growth in output as measured by GDP, it is too early to conclude

that there has been an unexplained collapse in labour productivity. The available information is still limited and part of the fall is explained by changes in the composition of employment. However, this is something that needs to be monitored as more information becomes available.

Decentralisation Programme.

29. **Mr. Sherlock** asked the Minister for Finance if an estimate has been undertaken of the number of civil or public servants who do not wish to relocate and will be surplus to requirements as a result of their jobs being transferred to other locations under the Government's decentralisation programme; the jobs which will be provided for these personnel; and if he will make a statement on the matter. [12398/06]

Minister for Finance (Mr. Cowen): From the outset, the Government has made it clear that participation in the decentralisation programme is voluntary. Due to the nature of the programme, it is not possible at this stage to estimate the number of public servants who do not wish to relocate as individual circumstances are open to change and, therefore, figures can fluctuate. The picture will become clearer over the coming period as staff are assigned to decentralising organisations.

The primary mechanism for placing civil servants who are in posts that are due to decentralise but wish to remain in Dublin is by way of bilateral transfer. As staff who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. To date, in excess of 1,200 staff have been assigned to decentralising posts. In addition, my Department has been in discussions with the Civil Service unions on further arrangements to facilitate the placement of Dublin based staff. The objective of these arrangements is to provide to the Public Appointments Service details of staff who wish to remain in Dublin at each grade level so that a proportion of vacancies arising in Dublin based posts may be filled by those staff. These arrangements have been recently initiated for general service grades and discussions are continuing on appropriate arrangements for professional and technical grades. It is intended that the arrangements will continue over the full transition phase of the decentralisation programme.

Public Service Contracts.

30. **Ms Lynch** asked the Minister for Finance the steps he intends to take to ensure that public service contracts are awarded only to those companies which meet minimum standards in terms of pay, working conditions and pension entitlements, in view of the increasing disclosures of underpayments to foreign workers; and if he will make a statement on the matter. [12380/06]

Minister for Finance (Mr. Cowen): Public procurement guidelines issued by my Department require contracting authorities to ensure that tenderers have regard to minimum pay and other legally binding industrial or sectoral agreements when preparing tenders and that tender documents should have an appropriate reference to this. Regulations to transpose recently revised EU directives on public procurement currently being finalised, will require contracting authorities to indicate to tenderers where information on obligations relating to employment protection and working conditions legally in force in Ireland may be obtained. Tenderers will then be requested to indicate that in drawing up their tenders they have taken these obligations into account. Contracting authorities will be required to disregard any tenderer that fails to indicate compliance with this requirement.

New draft forms for construction contracts, which are the subject of consultation with the construction industry, include provisions that require contractors to ensure that pay and conditions of employment comply with the law and are not less favourable than the terms of the registered employment agreements for those employees to whom the agreements apply. The new draft contracts also include a provision which gives some support to strengthening enforcement arrangements in the construction sector.

National Pension Reserve Fund.

31. **Mr. Kenny** asked the Minister for Finance the terms on which funds in the National Pension Reserve Fund have been made available for public sector projects; and the reason they have not been taken up; and if he will make a statement on the matter. [12497/06]

Minister for Finance (Mr. Cowen): The National Pensions Reserve Fund Commission is independent of the Government in the exercise of its functions. Under the National Pensions Reserve Fund Act 2000, it controls and manages the fund with discretionary authority to determine and implement the fund's investment strategy. This strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long-term subject to prudent risk management. The independence of the commission is a cornerstone of the legislation that ensures that the commission will invest in a manner that maximises returns. Essentially, it is similar to the trustee arrangements that apply to private pension funds and places an obligation on the commission to act commercially and in the best interests of the Fund.

With regard to commercial investment in public sector projects in this country, the annual report of the National Pensions Reserve Fund Commission for 2004 states that the commission has made an initial allocation of €200 million for investment in public private partnerships, PPPs,

in Ireland and will increase this allocation should suitable opportunities arise. The report also states that the commission will make equity and-or debt finance available to the winning bidder in the tender process for public private partnership projects provided it is satisfied with the prospective rate of return. I understand that, to date, no moneys have been invested by the commission in any such projects. On a more general note, I think it is fair to make the point that development of the public private partnership process is not dependent on investment in PPPs by the National Pensions Reserve Fund Commission.

Mortgage Interest Rates.

32. **Mr. Bruton** asked the Minister for Finance if he has examined the possibility of introducing measures to promote greater availability of long-term fixed interest mortgages which would reduce the vulnerability of the economy to short-term interest rate movements; and if he will make a statement on the matter. [12369/06]

Minister for Finance (Mr. Cowen): It would not be appropriate for me in my role as Minister for Finance to seek to promote one type of mortgage product ahead of another. As the Deputy will be aware, there is a high degree of competition in the Irish mortgage credit market, providing a wide choice of competitively priced mortgage products to potential borrowers from several mortgage lenders. In this regard, I understand that long-term fixed interest rate mortgages are available from mortgage lenders to any customer who wishes to avail of them.

The decision on the choice of mortgage product ultimately rests with the consumer, drawing, for example, on the information and advice supplied by the Financial Regulator and the lending institution concerned. The mortgage products offered by institutions to borrowers are based on many factors and will reflect the assessment of the attractiveness of the product to their customers. The preference of borrowers is also influenced by a range of factors, the assessment of which will depend on the personal circumstances and risk assessment of each individual borrower.

I am satisfied that the information being made available by the Financial Regulator, together with the statutory information and warnings in the case of mortgages, serve as an adequate basis for consumers to make a decision about the types of mortgage that best suits them, given all the factors which must be considered, including the relative merits of fixed and variable rate mortgages. For example, the Financial Regulator has published a guide called *Mortgages made Easy*, which is available on its website or for callers to its Consumer Information office. This booklet describes the different types of mortgages available, including fixed rate mortgages, and outlines

the advantages and disadvantages associated with each type of mortgage.

In light of such factors as the continued strong performance of the Irish economy with strong employment and income growth, I would not see the recent increases in interest rates as having a significant impact on the Irish economy. At the same time, the possibility that interest rates may rise over the medium-term, with obvious implications for the burden of repayments, should be kept firmly in mind by borrowers. I fully support the vigilance of the Central Bank and the Financial Regulator in consistently reiterating the importance of borrowers acting sensibly and the lending institutions acting prudently, given the possibility that interest rates will rise further in the medium term.

Question No. 33 answered with Question No. 15.

Question No. 34 answered with Question No. 27.

Benchmarking Awards.

35. **Mr. Crawford** asked the Minister for Finance his ambitions for the next round of benchmarking assessments. [12542/06]

Minister for Finance (Mr. Cowen): As the Deputy is aware, a second benchmarking exercise is under way and is due to report in the second half of 2007. This process will be similar to the last exercise. It is difficult to anticipate the outcome at this stage but, from what we can see to date, there have been very few private sector settlements above the national agreement norms. There is nothing to suggest that the next benchmarking exercise will lead to increases anywhere near the level of the first exercise.

The benchmarking process offers us a way to compare public service jobs with their counterparts in the private sector, examining qualifications, responsibilities, hours worked and many other factors. I would expect that the benchmarking exercise will consider and give appropriate weighting to factors that may differentiate public sector employment from that in the private sector, such as pensions and tenure. I also believe people have to acknowledge that in return for pay increases, specific objectives for service improvements in the different areas of the public service must be set and must be seen to be achieved to justify payments being made.

For more than ten years a programme of modernisation of each sector of the public service has been under way. This process has resulted in real improvements in public services and there is now a well established acceptance by public servants of the need for active co-operation with modernisation and flexibility. Under Sustaining Progress, a verification process was set up with sectoral performance verification groups to assess periodically the achievement or otherwise of the con-

ditions attaching to the payments, such as industrial peace, co-operation with flexibility and ongoing change and achievement of the modernisation commitments in the action plans. To date, the system has worked well. There has been a virtually complete absence of industrial disputes and disruption in the public service. The Government are satisfied that the benchmarking approach is the best way forward and should be continued.

Employment Levels.

36. **Mr. English** asked the Minister for Finance his plans to set targets in respect of public service employment over the three years 2006-08. [12517/06]

Minister for Finance (Mr. Cowen): The policy on numbers employed in the public service has succeeded in cutting back on the rapid rise in public service employment in the period 1997 to 2002. This took place at a time of significant increases both in employment in the economy generally and in the population with the corresponding increased demand for public services.

Numbers employed in the Civil Service, defence, local authority and non-commercial State sponsored sectors have been reduced by 3,700 and the target for this group has been exceeded. However, original targets in the health and education sectors have not been met because the Government has been prepared to increase numbers to meet priority needs in front line and essential services, for example, new health units and the disability area in the health sector, special needs teachers in the education system and to increase the number of gardaí. This is in line with the approach stated when the policy was launched.

The Government has decided to continue to control and regulate numbers in the public service within the following agreed ceilings.

Civil Service (non-industrials and industrials)	37,700
Non-commercial State sponsored bodies	9,600
Local authorities	33,300
Defence Forces	11,400
Garda Síochána	14,000

Given the nature and demands of the health and education sectors, further consultation is taking place between my Department and the relevant Departments before consideration is given to setting appropriate employment level ceilings in these sectors. It is important that an appropriate balance is struck between the need on one hand, to provide resources to improve front line services and the need on the other to control and regulate overall numbers in the context of providing value for money for the public expenditure involved.

Price Inflation.

37. **Mr. Durkan** asked the Minister for Finance the extent to which he has examined the impact of invisible inflation on the economy here; and if he will make a statement on the matter. [11323/06]

Minister for Finance (Mr. Cowen): The director general of the Central Statistics Office, CSO, has sole responsibility for and is independent in deciding the statistical methodology and professional standards to be used in compiling the consumer price index, CPI. The CPI is designed to measure the change in the average level of the prices paid by consumers for goods and services. It measures in index form the monthly changes in the cost of purchasing a representative basket of consumer goods and services. Maintaining a moderate rate of inflation remains a key priority of economic policy because of its importance in restoring competitiveness. I made no changes to indirect taxes in the budget and this will help to keep a competitive inflation environment in 2006.

Question No. 38 answered with Question No. 13.

Decentralisation Programme.

39. **Mr. Deenihan** asked the Minister for Finance the position regarding the decentralisation of 50 Revenue staff to Listowel, County Kerry; and if he will make a statement on the matter. [12370/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the Office of Public Works has identified a suitable property solution for the accommodation of 50 Revenue staff due to decentralise to Listowel. The data from the central applications facility, CAF, published in September 2004 indicated that there were 49 applications for decentralisation to Listowel. To date, 48 people have accepted official offers to decentralise to Listowel. The indicative timeframe for the provision of the building is the last quarter of 2006 and it is expected that the movement of staff to Listowel will commence as soon as the building is available.

	Cases	€ million
Cases involving Ansbacher or Ansbacher type arrangements	85	45.33
Other cases involving offshore funds or deposits	23	10.77
Total	108	56.10

The 202 cases which have been finalised consist of 78 cases which were settled on payments of €44.88 million, included in the amount above, 66

Revenue Investigations.

40. **Dr. Upton** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts issue at the latest date for which figures are available; the number of cases where settlements have been agreed; the amount paid to date; the number of cases outstanding; if additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspectors; and if he will make a statement on the matter. [12404/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that their Ansbacher review team has been carrying out detailed investigations since October 1999. The investigation has essentially two elements — Ansbacher-type arrangements and other cases involving offshore funds and deposits. Revenue has advised that the review team has inquired into 289 cases and, to date, the team has finalised 202 cases. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed on the High Court inspectors' report and 110 similar cases discovered by Revenue or listed on the authorised officer's report.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in respect of cases under investigation is now almost 700. Revenue is making extensive use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available. Revenue has made 11 successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation relevant to liabilities of Ansbacher account holders. Some 220,000 documents have been received under the terms of the High Court orders. Advanced investigative computer software is used in controlling and managing the documentation.

To date, a total of €56.10 million has been received, consisting of settlements and payments on account in respect of 108 cases. This is made up of:

non-resident cases that are covered by the provisions of double taxation agreements, 42 cases where no additional liabilities arose and 16 that were covered by the 1993 amnesty provisions.

Revenue made an application under section 11 of the Companies Act 1990 for a copy of the High Court inspectors' report that was made available to Revenue on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, Revenue made a further application to the High Court for access to the supporting papers to the report. The High Court order in the matter was granted in June 2004 and perfected in January 2005 and allows for access to documents relating to clients of Ansbacher named in the report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to cooperate with their inquiry. The order also allows for Revenue to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company.

Access to documents is subject to the direction of the High Court. Revenue has applied on foot of the order for access to documentation in respect of certain cases named in the High Court inspectors' report. Some documentation has been supplied and further documentation is awaited. Revenue has informed me that the investigations are time consuming and complex and are likely to continue for some time to come.

State Airports.

41. **Mr. M. Higgins** asked the Minister for Finance if his attention has been drawn to the significant number of flights that arrive at both Cork and Shannon Airports at times when there are no customs officers on duty; if, in view of continuing concerns regarding the drugs problem and particularly the smuggling of cocaine, the Revenue Commissioners will be asked to ensure cover at all times that flights arrive at these airports; and if he will make a statement on the matter. [12377/06]

Minister for Finance (Mr. Cowen): As the Deputy may be aware, I have recently answered parliamentary questions on this issue, most recently on 21 March 2006 — Parliamentary Question No. 317 in response to Deputy Quinn — when I described the operations of customs staff at Shannon and Cork Airports in some detail based on information supplied by the Revenue Commissioners. While the Revenue Commissioners ended 24 hour rostered coverage in Cork in 2002 and Shannon in 2005, in both cases the reason was the low number of night time flights. Cork Airport is closed between 11.30 p.m. and 5.30 a.m. and Shannon Airport handles no flights between 1.30 a.m. and 5.30 a.m.

Cork Airport has no non-EU flights outside of normal hours of attendance of customs officials. For EU flights, the customs section of the Revenue Commissioners may only stop and question people where there are reasonable grounds

for suspicion. As this is the case, the great majority of people travelling on EU flights would not be aware of Revenue checks. Almost all night time flights originating in non-EU countries were met and checked by Revenue's 24 hour specialist staff in 2005.

Banking Sector Regulation.

42. **Ms Burton** asked the Minister for Finance if his attention has been drawn to concerns expressed by the Consumers Association of Ireland that banks were fleecing consumers as a result of excessive interest rates levied on personal loans; if he intends to take action to provide additional protection for borrowers in this regard; and if he will make a statement on the matter. [12372/06]

Minister for Finance (Mr. Cowen): I am aware of the issue recently raised by the consumers association regarding personal loans. My function as the Minister for Finance in looking after the interests of the individual borrower is to provide an appropriate legislative framework for regulation of the financial services sector, one that is both comprehensive and robust. I am satisfied that on foot of the progress made over recent years, especially in establishing the Financial Regulator with a particular focus on the interests of the consumer, we have such a framework in place.

The Financial Regulator, with its statutory consumer protection mandate, has already drawn attention to the need for consumers to choose the right type of loan for their needs. The Financial Regulator has developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products. These initiatives have been developed through the framework of the Financial Regulator's It's Your Money campaign and have involved publishing consumer guides on credit products, fact sheets, cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances.

The Financial Regulator has been very active in informing consumers about the range of interest rates in the market and produced two personal loan cost surveys in September 2004 and September 2005. In 2005, 10,000 consumers requested copies of the surveys that set out the interest charges of a range of lenders in the personal loans market, including lenders charging interest rates higher than the average rates available. The Financial Regulator's surveys highlighted the high cost of certain providers and drew consumer attention to potential savings of up to €1,200 on the cost of a €13,500 loan over five years. The Financial Regulator regularly highlights the importance of shopping around for loans. Both surveys received widespread media

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coverage. Additionally, the Financial Services Ombudsman offers redress to consumers who are dissatisfied with their treatment by financial institutions in relation to personal loans.

The Consumer Credit Act 1995 applies to all consumer lending. It sets out the form of loan agreement which includes details of the cost of credit. The Act also provides for the regulation of fees and charges imposed by credit institutions. The Financial Regulator requires all regulated credit institutions to notify it of charges to consumers. I fully support the position consistently reiterated by the Financial Regulator in relation to the importance of borrowers acting sensibly and the lending institutions acting prudently.

Decentralisation Programme.

43. **Mr. S. Ryan** asked the Minister for Finance the anticipated costs in terms of acquiring and equipping premises and other related costs at the latest date for which figures are available of the original decentralisation programme announced in budget 2004 and the slimmed down version announced in December 2004; and if he will make a statement on the matter. [12397/06]

Minister of State at the Department of Finance (Mr. Parlon): The Government is committed to the full implementation of the decentralisation programme announced in budget 2004, involving some 10,300 civil and public service jobs in more than 56 locations across some 60 Departments, offices and agencies. My office is in the process of procuring appropriate properties in the designated locations for the Departments and agencies involved, with much progress having been made to date. Property acquisition negotiations are completed or are significantly advanced at 23 locations.

The prevailing property market conditions in each geographical area have a significant bearing on the cost of acquiring sites. As the acquisition process is still in progress, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme. However, and for working purposes only, an indicative figure of €75 million to €100 million excluding VAT is being used by the OPW.

As the Deputy will know, the decentralisation implementation group, DIG, in its report of November 2004 announced the names of the Departments and organisations selected as early movers and set out a timetable for provision of accommodation. At the same time, the group published a report on the procurement and financial aspects of decentralisation. In June 2005, the DIG published a further report updating the timetable announced in November 2004 and revised last month. The report includes a timetable for the balance of organisations comprehended by the decentralisation programme and sets out commencement and completion dates for

accommodation ranging from the final quarter of 2005 to end of 2009. I am confident that this programme will be successfully implemented.

Regarding the public private partnership, PPP, approach recommended by the DIG, my office has been developing a comprehensive risk-adjusted costing of project elements to measure the value-for-money of future PPP bids. Expressions of interest will be sought for the first of these major projects imminently. While property solutions will include leasing and fitting out of existing buildings, it is anticipated that in the majority of cases, the accommodation facilities will be provided by the construction of new office buildings and cost estimation can be approached on that basis. However, in advance of actual market testing of any procurement methodology, it is only possible at this time to assign the most general measurements of cost to such a large scale, diverse and complex programme.

It is estimated that approximately 210,000 sq. m. of office space will be required to accommodate the total numbers included in the programme. OPW cost norms in April 2005 in respect of offices would indicate an average build cost to fit-out standard in the range of €1,800 to €2,200 per square metre for suburban-rural locations and €2,500 to €3,000 per square metre in city-town centre locations. Such figures exclude VAT, professional fees and inflation. In addition, the cost of equipping the accommodation to standard office equipment levels could be estimated at approximately €4,000 per person. This would exclude the cost of information and communication technology and specialised equipment requirements. Such general measurements of cost do not include specialised facility and equipment requirements and other variables which would arise from the spread of possible procurement methodologies. In addition, general cost indicators of this type show a snapshot in time.

It is self-evident that a firmer scale of costs for the decentralisation programme will only emerge on foot of actual cost proposals being received from the market. It will be some months yet before sufficient data can be extracted from a suitable range of tender competitions to provide a basis on which more robust estimates of the overall cost of the programme can be made. Nevertheless, it can be estimated that, generally speaking, the cost of providing accommodation in provincial compared to central Dublin locations should yield considerable cost savings to the State over time in terms of site costs, capital build costs and maintenance costs.

Special Savings Incentive Scheme.

44. **Mr. McEntee** asked the Minister for Finance the underlying assumptions that he has made regarding the impact of consumption and on saving of the maturing of SSIA's. [12499/06]

Minister for Finance (Mr. Cowen): Domestic demand, including personal consumption, was the main driver of economic growth in 2005. In the budget 2006 forecasts, my Department forecast that personal consumption will continue to be a major driver of growth over the period 2006-08, supported by strong earnings and employment growth. The maturing of the SSIA accounts is expected to provide some impetus to consumption, particularly in 2007, when the bulk of the proceeds become available. While it is difficult to be certain of the impact of SSIA maturity, economic theory and the experience of other countries suggests that it is unlikely that a once off factor of this nature will have an undue impact on overall consumption patterns. In 2006, growth in personal consumption is forecast to be 5.8%, accelerating to 6.8% in 2007. A slightly lower growth rate of 4.6% is expected in 2008 as the effect of the SSIA scheme unwinds.

Tax Collection.

45. **Ms O'Sullivan** asked the Minister for Finance if, in regard to the almost €2.5 billion remaining outstanding in uncollected taxes, the proportion of this the Revenue Commissioners expect to recover; if new measures are planned to assist in the collection of outstanding taxes; and if he will make a statement on the matter. [12389/06]

Minister for Finance (Mr. Cowen): I answered identical questions on 5 October 2005 and 28 February 2006 and informed the House then that, according to the Revenue Commissioners, the total tax debt outstanding at 31 March 2005 as reported in Revenue's annual report and in the report of the Comptroller and Auditor General was €1.2 billion, not €2.5 billion as quoted by the Deputy.

As with any tax system, there will always be people who pay late, people who try to avoid paying and people who can't pay. In this context, it is important to note that the debt of €1.2 billion at 31 March 2005 is €146 million or 10.7% less than at 31 March 2004. The figure represents 2.5% of annual gross collection and is one of the lowest percentages of any tax administration internationally. Of this figure, €278 million of the total debt is under appeal with a further €349 million under control or at enforcement. The remainder, €590 million, is under active collection.

It is the goal of Revenue, as stated in its statement of strategy 2005-07, that all debt on record should be less than five years old or the subject of active enforcement or court proceedings. In this context, I am advised by Revenue that it would expect the current collectible tax debt and any additional debt that will arise for periods up to 31 December 2004 through assessments made by Revenue or submission of overdue returns by taxpayers would ultimately be reduced very substan-

tially over the next five years. That reduction will be achieved primarily by collection of the debt due.

Revenue has emphasised the changing element of the debt make-up and the difficulty that this creates in making an estimate of the likely reduction in the debt figure over a five-year period. Revenue's strategies and methodologies adopted to achieve a reduction over a five-year period will be subject to annual review and evaluation that is carried out within the context of its business planning process.

Partnership Agreements.

46. **Mr. G. Murphy** asked the Minister for Finance his views on the financial commitments envisaged by his Department in the context of a new social partnership programme over ten years. [12505/06]

Minister for Finance (Mr. Cowen): Talks on a new national partnership agreement to follow Sustaining Progress commenced recently and are ongoing. I am sure the Deputy will realise, therefore, that it would be imprudent to make any statement at this stage about any financial commitments which might arise in the context of a new agreement.

Fiscal Policy.

47. **Mr. Gilmore** asked the Minister for Finance his views on the implications for the Irish economy of the recent quarter point increase in interest rates announced by the European Central Bank; and if he will make a statement on the matter. [12375/06]

Minister for Finance (Mr. Cowen): The Irish economy is projected to grow at around its long-term sustainable growth rate of 4.5% to 5% over the next three years, as per the economic forecasts published in the stability programme update last December. The recent interest rate rise is unlikely to have a significant impact on this outlook.

Question No. 48 answered with Question No. 13.

Tribunals of Inquiry.

49. **Mr. G. Mitchell** asked the Minister for Finance the status of his proposals to reduce the fees payable at tribunals. [12515/06]

Minister for Finance (Mr. Cowen): I refer the Deputy to my reply to his question on this matter on 28 February 2006. The substance of that reply is as follows. In July 2004, the Government approved, on the initiative of the then Minister for Finance, reduced fees for legal representation at tribunals or inquiries established from September 2004 and to the then existing tribunals

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and inquiries with effect from various dates set in the light of consultations between the Attorney General and the chairpersons of each tribunal or inquiry. The lower rates have applied to the Barr tribunal since June 2005. The dates applicable to those tribunals currently sitting are as follows: the Moriarty tribunal, 30 June 2006; the Morris tribunal, 30 September 2006; and the Mahon tribunal, 31 March 2007.

The Tribunal of Inquiry Bill 2005, which is being brought forward by the Minister for Justice, Equality and Law Reform to consolidate and reform the legislation relating to tribunals of inquiry, was published on 25 November last. This Bill will provide a statutory basis for the regulation of tribunal and third party legal fees payable by the State. In addition, the Bill incorporates a number of provisions which should improve the operational efficiency of tribunals. For example, the Bill will enable uncontested evidence, which has been supplied in written form and circulated to relevant parties, to be simply taken as if it had been read into the record. I understand that Second Stage will commence in Dáil Éireann shortly.

Question No. 50 answered with Question No. 27.

Decentralisation Programme.

51. **Mr. Neville** asked the Minister for Finance the negotiations which have taken place regarding the placement of persons who do not opt to decentralise with their units or agencies; and the proposals which the Government have made to unions. [12519/06]

Minister for Finance (Mr. Cowen): The primary mechanism for placing civil servants who are in posts which are due to decentralise but wish to remain in Dublin is by way of bilateral transfer. As staff who have applied to decentralise continue to be transferred into decentralising organisations, the posts they vacate become available to those wishing to remain in Dublin. To date, in excess of 1,200 staff have been assigned to decentralising posts.

In addition, my Department has been in discussions with the Civil Service unions on further arrangements to facilitate the placement of Dublin-based staff. The Public Appointments Service has commenced the operation of a system which will match Dublin-based posts with people wishing to remain in Dublin. Any decentralising organisation which anticipates that it will have staff wishing to remain in Dublin who cannot be placed within the organisation will engage with the Public Appointments Service in the placement of these individuals. Each individual affected or likely to be affected will be offered the opportunity to indicate preferences on Dublin-based posts.

These arrangements have been recently initiated for general service grades and discussions are continuing in respect of appropriate arrangements for professional and technical grades. It is intended that the arrangements will continue over the full transition phase of the decentralisation programme. Regular discussions are continuing with the unions on the implementation of the entire decentralisation programme, including the details of these arrangements for the staff remaining in Dublin.

Tax Code.

52. **Ms Enright** asked the Minister for Finance if reports of a stricter interpretation of tax rules for US parent companies located abroad have been investigated; and the potential impact on Ireland. [12513/06]

Minister for Finance (Mr. Cowen): As I have indicated in previous replies to questions of a similar nature, the interpretation of domestic tax rules is a matter for the relevant authorities of the country concerned. In respect of the normal administration of taxes in Ireland and the US, the relevant double taxation convention between both countries allows for the exchange of information concerning the taxes covered by the convention.

As I indicated in response to Question No. 129 of 13 December 2005, I understand that there are currently no outstanding issues from the US authorities in this regard. Finally, I understand that the IDA, which regularly monitors international tax changes, is not aware of any recent change in US tax law that has negatively affected Ireland or has resulted in significant concern being raised by existing US companies located in Ireland.

Fiscal Policy.

53. **Mr. Gogarty** asked the Minister for Finance if he will report on progress on reforming the budgetary process since his budget speech in December 2004. [12410/06]

Minister for Finance (Mr. Cowen): In my budget speech last December, I set out the Government's proposals for reforming the budgetary process. As I promised to do on budget day, I subsequently wrote to the Opposition finance spokespersons and the party whips on 20 December last to invite them to a briefing on the Government's proposals for reform.

The Fine Gael finance spokesperson has indicated his intention to accept the invitation whilst stating that he has more proposals of his own in the area. The Labour Party finance spokesperson has indicated that she sees no point in engaging in discussions within the parameters set out in my budget statement and my invitation and has suggested that the recent Committee of Public Accounts report on Estimates reform should be

the starting point for discussion. The Green Party spokesperson is of the view that the recent Committee of Public Accounts report should at least be given a shared priority in the context of discussions on Estimates reform. I have subsequently addressed the relevant issues raised in the Committee of Public Accounts report in the minute of the Minister for Finance of 27 March. This minute has been forwarded to the Committee of Public Accounts.

In the meantime, my Department has begun preparations for replacing the traditional economic review and outlook document with the updated three-year economic and fiscal projections with a view to publication in the autumn. My Department has also requested all Departments to formally put in place arrangements to ensure the production of the annual outputs focused statement by the 2007 deadline.

The publication of a revised economic review and outlook document in the autumn will give an updated pre-budget view of the fiscal outlook. This revised document will review and present a pre-budget analysis of the economic and budgetary prospects for the current year and the following two years. As regards government expenditures, the analysis in the revised document will be based on an update of the overall existing level of services projections published with the previous year's budget. This will significantly improve information available to the Oireachtas in the context of the next Estimates and budget.

The annual output-based statement will significantly revamp the presentation of estimates to the Oireachtas from 2007 so as to ensure a more meaningful presentation of the annual Estimates and associated output information. It will allow the Oireachtas and the public to assess what is being targeted for delivery through public expenditure from 2007 onwards. From 2008 onwards, Departments will be reporting on what was delivered in the previous year versus the planned output for that year and setting out a target for delivery in the current year. This will represent an important development and will tackle the information deficit in this area. As I said in the budget, once bedded down, these proposals can lay the ground work for consideration of a more unified budget approach in the future.

EU Ministerial Meetings.

54. **Mr. Eamon Ryan** asked the Minister for Finance if he will report on the ECOFIN meeting of 14 March 2006. [12414/06]

Minister for Finance (Mr. Cowen): The Minister of State, Deputy Brian Lenihan, represented Ireland at the ECOFIN Council meeting in Brussels on 14 March 2006. The meeting was attended by representatives of all 25 EU member states and of Bulgaria and Romania. The preparation of the spring European Council meeting of Heads of State or Government of 23-24 March

was discussed. Among the issues dealt with were the key issues paper, the European Investment Bank's contribution to promoting growth and employment, better regulation and the joint report on social protection and social inclusion. The Council agreed this key issues paper as a contribution to the European Council meeting. The paper concentrates on implementation of the strategy for growth and jobs laid down by the European Council at Lisbon in 2000 and relaunched in 2005.

The Council adopted a report on proposals by the European Investment Bank, EIB, for reinforcing the contribution by the EIB and the European Investment Fund to promoting growth and employment in the EU and forwarded it as a contribution to the European Council meeting.

The Council held an exchange of views on progress under the EU's better regulation initiative, which is aimed at reducing unnecessary regulatory burdens for businesses, voluntary groups and citizens and at increasing competitiveness and productivity by simplifying legislation, improving transparency and cutting down on red tape. It took note of progress made by the Commission and of a note from the Presidency on reducing the administrative costs of Community programmes and measures and on experiences at national level.

The Council welcomed the adoption by the Employment, Social Policy, Health and Consumer Affairs Council on 10 March of a joint Council and Commission report on social inclusion and social protection in pensions, health care and long-term care. The report was submitted to the European Council meeting.

The Council adopted opinions on updated stability programmes presented by Germany, Greece, Spain, France, Italy, Ireland, the Netherlands and Portugal. The Irish programme was particularly well received. The Council adopted opinions on updated convergence programmes presented by Cyprus, Lithuania, Malta, Poland and the United Kingdom.

The Council adopted a decision, under article 104(9) of the EU Treaty, giving notice to Germany to bring its government deficit below 3% of gross domestic product, GDP, the threshold provided for by the treaty, as rapidly as possible and by 2007 at the latest. Germany's deficit amounted to 3.3% of GDP in 2005, according to the Commission on the basis of provisional data provided by Germany on 24 February 2006.

The Council discussed a communication from the Commission assessing the action taken by Italy in response to the Council recommendation of 28 July 2005 with a view to bringing to an end the situation of an excessive government deficit. The Council shared the view of the Commission that the measures taken by the Italian authorities following the Council's recommendation would, provided they were fully and effectively implemented, ensure adequate progress in 2006

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towards the correction of the excessive deficit within the time limit set in the recommendation.

The Council approved by qualified majority a recommendation, to be forwarded to the European Parliament, on the discharge to be given to the Commission for implementation of the EU's general budget for 2004. The Netherlands delegation voted against. The Council adopted a number of conclusions, which will serve as the basis for discussions with the European Parliament and the Commission on preparation of the EU's general budget for 2007. The Council adopted, without discussion, a number of conclusions on the follow-up to the discharge given to the Commission for implementation of the 2003 budget.

In the margins of the ECOFIN, a number of meetings were held. Representatives of the Council, the Commission and the European Central Bank met representatives of the European Trade Union Federation and Employers Confederation for the 14th macroeconomic dialogue meeting at political level. The meeting examined the economic situation and outlook and public policy, in particular as regards the challenges of globalisation.

The Presidency troika — representatives of Austria, Finland and Germany — held a video-conference with representatives of the European Parliament to discuss, in particular, the EU's broad economic policy guidelines, BEPGs, for the 2004-06 period. The Commission decided this year not to propose updating the BEPGs, so the existing guidelines remain valid.

Over breakfast on the morning of the 14 March, Ministers discussed the economic policy challenges of the EU's strategy for growth and jobs laid down by the European Council at Lisbon in 2000 and re-launched last year, on the basis of a paper prepared by Bruegel, a Brussels-based think-tank, and presented by Mr. Jean Pisani-Ferry and Mr. Andre Sapir.

At lunch, Ministers were briefed on the Eurogroup meeting held on 13 March and on a report on preparation of a new external lending mandate for the European Investment Bank and discussed issues related to energy markets on the basis of a green paper from the Commission. It is evident from the above list that the Council completed a very full programme of work at this meeting.

Question No. 55 answered with Question No. 15.

Flood Relief.

56. **Mr. O'Dowd** asked the Minister for Finance the funding available for improving flood defences; and if he will make a statement on the matter. [9509/06]

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(Mr. Parlon): The provision in 2006 for flood relief measures is €20 million. In addition, there is a provision of €19.50 million for maintenance of completed drainage and flood relief schemes and for the collection, processing and dissemination of hydrological and hydrometric data. These figures are exclusive of the salary and associated costs of OPW staff engaged directly and indirectly on the flood defence programme.

Tax Collection.

57. **Ms Lynch** asked the Minister for Finance the progress made by the Revenue Commissioners in regard to measures to deal with the problem of bogus subcontractor and agency worker phenomenon in the construction sector; and if he will make a statement on the matter. [12381/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that establishing employee or subcontractor status is one of the areas they specifically concentrate on in their monitoring of tax compliance in the construction sector. On an ongoing basis, Revenue auditors, based on risk assessment, audit the books and records of a considerable number of contractors and subcontractors. The matter of employee or subcontractor status is always examined as a routine part of such audits.

In this regard, I am informed that Revenue do not accept at face value assertions as to subcontractor or independent agent status. The true nature of the relationship between the parties is looked at having regard to factors such as the degree of control, obligation, integration or exclusivity involved in the relationship. These factors are set out in a Code of Practice in determining Employment Status that was published by Revenue with the assistance of the ICTU, the Department of Social and Family Affairs and the Department of Enterprise, Trade and Employment.

During 2006, Revenue is devoting 25% of its audit and compliance resource to policing building-related sectors. As part of this national project, the issue of misclassification of building operatives as self-employed will continue to be actively dealt with. Revenue also continues to meet with industry representatives and trade unions to ensure compliance in this area and to help the industry to get the status of their workers right. Ongoing improvements to Revenue's computer system used to monitor relevant contracts tax will also assist in targeting cases of likely misclassification of employees as subcontractors.

House Prices.

58. **Mr. Hogan** asked the Minister for Finance his assessment of the housing market; and the lev-

els of personal debt and their capacity to destabilise economic progress. [12530/06]

Minister for Finance (Mr. Cowen): Residential construction has grown rapidly in recent times. Supply of housing has increased in response to strong levels of demand, which, in turn, have arisen from a number of fundamental demographic and economic factors. Total completions in 2005 reached an historic high of about 81 thousand units. Construction employment growth was also particularly strong in 2005 and now accounts for one in eight jobs.

As acknowledged in the stability programme update published with the 2006 budget, the fact that construction presently accounts for an historically high proportion of economic output and employment implies that the economy is vulnerable to any shock affecting this sector.

As regards debt, in evaluating the financial position of the private sector, it is too narrow an approach to consider the level of indebtedness in isolation from the asset side of the private sector's balance sheet. A high proportion of household indebtedness in Ireland, which accounts for approximately 45% of private sector indebtedness overall, relates to borrowing for house purchase which, in turn, creates an asset for the households. In the same way, borrowing by the business sector underpins high investment levels and the creation of business assets yielding future income. It therefore reflects the strong performance of the economy and confidence in Ireland's economic prospects.

As far as looking after the interests of the individual borrower and the individual investor is concerned, the function of Government is to provide an appropriate legislative framework for regulation of the financial services sector — one that is both comprehensive and robust. I am satisfied that on foot of the progress made over recent years, especially in establishing the Financial Regulator with a particular focus on the interests of the consumer, we have such a framework in place.

Whilst the level of indebtedness of Irish households has been increasing, the Central Bank's most recently published financial stability report concludes that a range of fundamental factors such as growing employment and incomes, falling inflation and low interest rates have supported the pattern of mortgage growth and associated debt levels in the economy. The report does, however, emphasise the importance of responsible behaviour by both borrowers and lenders to factor into their financial decision-making the prospective impact of potential changes in the future economic environment. I share the Central Bank's assessment of the importance of maintaining financial and economic stability. In that regard, for my part, I intend maintaining a responsible approach to maintaining stability in our public finances, which will ensure that the

strategic direction of our economy will focus on sustainable real improvements in public services, social provision and infrastructure.

Finally, as far as overall economic and financial stability is concerned, the relevant measure of credit encompasses both public and private sector credit and debt levels. The Minister for Finance has a key role in this regard in ensuring prudent management of the budget and overall sustainability in the public finances. In this context, Ireland's fiscal performance is among the best in the developed world with Government indebtedness the second-lowest in the euro area. Responsible budgetary policy has made a significant contribution to economic performance overall, to the maintenance of low unemployment and to the achievement of record employment levels.

Question No. 59 answered with Question No. 15.

Social Finance.

60. **Ms McManus** asked the Minister for Finance the progress made to date with regard to the plan announced in budget 2006 for the establishment of a fund for social finance; if the amount of the fund has been agreed; when the fund will be established; the amount which will be contributed by financial institutions; the way in which the money will be drawn down; and if he will make a statement on the matter. [12382/06]

Minister for Finance (Mr. Cowen): As I set out in my reply to Question No. 53 on 28 February 2006, the aim of the Government's initiative that I announced in my budget speech is to give an impetus to the development of social finance in Ireland. This initiative can make a real contribution towards expanding social finance provision in Ireland, thereby complementing the wide range of measures that are currently in place to promote and assist community infrastructure and local development, including the development of micro-enterprises.

A practical model for social finance funding is currently being developed. The intention is to keep the administrative structures as light as possible, consistent with meeting the objectives of the initiative, and ensuring that the funds are used effectively on a value for money basis. With a view to developing an effective model, my Department has, to date, consulted with a number of public, private and voluntary bodies currently involved or with interests in this area, in addition to its discussions with the banking community.

A key priority is early implementation of the initiative. This will provide the opportunity to market test particular options, which can in turn inform the further development of the social finance initiative. As far as the potential sources of funding for social finance provision are concerned, there has been a positive reaction from

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the banking community to my invitation to support the initiative. The banks expressed at budget time a willingness to contribute seed capital funding of €25 million to the initiative.

I do not at this stage have a view on the eventual scale of funding that may be warranted. It is not clear at this early stage what the level of demand may be. Experience in the UK and Northern Ireland would, however, suggest that some caution is warranted to ensure that the funds available are applied effectively and yield value for money investments. I am satisfied, therefore, that the seed capital from the banks is sufficient to meet initial requirements for the initiative in light of the available capacity and capabilities to develop suitable social finance projects and manage social finance lending. In my budget speech, I indicated that I was keeping the door open to other contributors.

Finally, advice has been sought by my Department from the Office of the Attorney General on the appropriate legal framework which would clarify the objectives, roles and functions of the investment vehicle, establish the type of delivery structure judged most suitable to the long-term requirements of social finance and also deal with such matters as governance and accountability arrangements.

Financial Services Regulation.

61. **Mr. Costello** asked the Minister for Finance if his attention has been drawn to the recent record profits reported by the main banking organisations; his views on whether there is excessive profit taking in the banks; his further views on whether the banks are making an appropriate contribution to the Exchequer; his plans to seek a greater contribution from this sector; and if he will make a statement on the matter. [12374/06]

Minister for Finance (Mr. Cowen): The financial services sector is a major employer in the Irish economy, employing over 55,000 people both directly and indirectly and making a significant contribution to GNP overall. It supports activity in other economic sectors, contributes substantial tax to the Exchequer and forms an essential part of our economic infrastructure. Strong opportunities exist to grow and develop Ireland's financial services sector. The prospects for the banking sector are positive, with the potential for the sector to provide an increased number of skilled and well-paid jobs for our comparatively young population in line with our future employment needs.

I am aware of the recent bank profit announcements and I am satisfied that the strength of the banking sector is a reflection of the strong performance of the economy overall. It is important to note that the profitability of the banks reflects both their international and domestic business,

encompassing wholesale, corporate finance and investment banking, as well as retail banking activities. The contribution of the sector includes significant tax revenues — PAYE, PRSI and taxes on profits, which amounted to €1.5 billion in 2004 and a further tax collection of €112 million in the same year in respect of stamp duties on cheques and charges on cards, etc. To sustain this contribution, the banking sector, in common with the enterprise sector overall, must remain internationally competitive and profitable, generating sufficient income to reward its shareholders and staff and to meet its future investment needs.

The issue of competition in the banking sector was the subject of a comprehensive and detailed study by the Competition Authority published last year. Some important actions have already been taken in line with the recommendations of the report which were intended to increase the banks' responsiveness to customers' needs, thereby increasing choice and the quality of services provider. I am aware of the role that greater competition can play in the domestic market, and in that context, the arrival of new entrants in recent years is welcome.

Additionally, any EU-licensed bank can sell its products throughout the EU through branches in other member states, supervised by its home supervisory authorities, and a number of European banks are active in the Irish market on this basis. This means, for example, that Irish depositors are not restricted to the services of domestic banks.

Public-Private Partnerships.

62. **Mr. Cuffe** asked the Minister for Finance the measures his Department will take to prevent further abuses of public private partnership arrangements in view of the recent High Court decision terminating the National Aquatic Centre lease due to non-payment of rent and VAT by its operators. [12408/06]

Minister for Finance (Mr. Cowen): The National Aquatic Centre building was not procured by means of a public-private partnership arrangement. We understand that the court proceedings, to which the Deputy refers, concerned issues related to the lease for the operation of the centre granted by an entity which is under the ambit of the Minister for Arts, Sport and Tourism, to whom any questions should be directed.

Question No. 63 answered with Question No. 15.

Price Inflation.

64. **Mr. Cuffe** asked the Minister for Finance if he will make a statement on the jump in the annual rate of inflation to 3.3%, a level last seen in June 2003, according to the consumer price index. [12409/06]

Minister for Finance (Mr. Cowen): Inflation, as measured by annual changes in the consumer price index, CPI, was 3.3% in February. Part of the pick-up in the annual inflation rate is due to the rise in interest rates by the ECB. In addition, the price of oil rose throughout most of last year and this had an impact on the annual rate of inflation in February. We have no control over these external factors.

In my recent budget, my Department forecast that CPI inflation will average 2.7% in 2006. I made no changes to indirect taxes in that budget and this will help to ensure relatively modest inflation in 2006.

Decentralisation Programme.

65. **Mr. Naughten** asked the Minister for Finance when he will make an announcement on the next phase of decentralisation; and if he will make a statement on the matter. [12548/06]

Minister for Finance (Mr. Cowen): In its report to Government in November, 2004 the decentralisation implementation group, DIG, identified 15 organisations as early movers. This involved 21 projects, 20 locations, nearly 3,500 jobs and the transfer of eight headquarters. The report contained a schedule showing indicative construction start and completion dates for the procurement of office accommodation in the new locations. The DIG adopted a more individualised approach to State agencies. Although seven of those agencies were selected for early mover status, the group did not include specific timeframes in recognition of this approach and also of the fact that it is the responsibility of the board and senior management of each agency to implement Government policy. Subsequently the DIG submitted a further progress report to me in June 2005 which was approved by the Government in which it recommended that the remaining 24 Civil Service organisations and locations not listed earlier as early movers should advance to a more active stage of preparation for relocation.

The group provided indicative construction completion dates for each of these organisations and locations. The full contents of this report can be accessed at www.decentralisation.gov.ie. The final construction dates can only be confirmed when the tender process has been completed in respect of each location and are contingent on the level and quality of market interest in respect of sites, successful negotiation of contracts, receipt of acceptable planning permissions, timely completion of briefs and successful acquisition of suitable sites. To date, property acquisition negotiations have been completed or significantly advanced in 23 locations. I understand that the OPW is currently updating the position on the property aspects of the programme in light of experience to date.

Strategic Management Initiative.

66. **Mr. Gormley** asked the Minister for Finance if his Department plans to review the way in which State agencies are managed on foot of the recent Institute of Public Administration report. [12413/06]

Minister for Finance (Mr. Cowen): I have asked officials in my Department to examine this report and assess the implications in consultation with other Departments.

Question No. 67 answered with Question No. 11.

Tax Code.

68. **Mr. Stanton** asked the Minister for Finance if he has or will consider extending the €10,000 income tax exemption for self-employed childminders to other workers in the child care sector in view of the relatively low salaries for persons working in this sector; and if he will make a statement on the matter. [12546/06]

80. **Ms C. Murphy** asked the Minister for Finance his plans to revise upwards the €10,000 tax exemption for childminders caring for up to three children in their own homes in view of the very low level of income these workers would have to operate on to qualify for this allowance; and if he will make a statement on the matter. [12552/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 68 and 80 together.

The new childminding tax scheme allows an individual to mind up to three children in the minder's own home, without paying tax, on the earnings received, provided the amount is not more than €10,000 per annum. If childminding income exceeds €10,000, the total amount will be taxable, as normal, under self-assessment.

The scheme is designed to provide an income disregard to home-based childminders who are self assessed for tax purposes. It is not available to childminders who mind other people's children in the children's own home or in a formal child care facility where their employment status differs in that they are treated as employees for tax purposes and issues of employee-employer tax and PRSI arise. The new relief is not designed to include such employees and I have no plans to extend the scheme to cover these or other workers in the child care sector at this time.

Other workers in the child care sector who are employees are entitled to the PAYE tax credit whereas childminders availing of the new scheme, operating under self assessment, do not have this credit. Thus, taking the personal credit into account, the entry point to the tax system for a single employee is €15,600 whereas the normal entry point to the tax system for a person on self assessment is €8,150.

It is envisaged that this new scheme, as part of the five year national child care strategy which I

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announced in budget 2006, will help increase supply and accessibility of child care and help parents with affordable child care. As I understand it, many childminders who may wish to avail of this new scheme care for a small number of children in their own home on a part-time and flexible basis and would not, for example, require payment arrangements to cover the full 52 weeks of the year or holiday periods. Accordingly, I consider the upper limit of €10,000 to be adequate and I have no plans at this time to revise it upwards, as suggested by the Deputy. As is the case with all tax schemes, I will, however, keep this scheme under review in the context of future budgets and Finance Bills.

Question No. 69 answered with Question No. 27.

Tax Code.

70. **Ms O'Sullivan** asked the Minister for Finance the position in regard to his contacts with the EU Commission regarding its preliminary opinion that the stallion tax exemption scheme would seem to constitute an aid that was not compatible with the common market; if he has received a final opinion from the Commission on this matter; when he expects his discussions with the Commission to conclude; and if he will make a statement on the matter. [12388/06]

Minister for Finance (Mr. Cowen): I refer the Deputy to my reply to a similar parliamentary question from Deputy Costello on 9 November last, which set out the background to this issue in relation to the contacts that have been ongoing with the European Commission.

As regards the future of the tax exemption for stallion fees, I announced in my budget statement of 7 December 2005 that this exemption will be discontinued from 31 July 2008, the same end-date as for various property-based tax incentive schemes. The relevant provision is contained in section 22 of the 2006 Finance Bill as passed by the Dáil. A new regime appropriate to the industry will be discussed with the European Commission later this year.

71. **Ms O. Mitchell** asked the Minister for Finance if he has conducted an evaluation in conjunction with the Department of Health and Children of the tax relief for private hospital investment; and if it meets the public policy objectives in the health sphere. [12500/06]

Minister for Finance (Mr. Cowen): The scheme of capital allowances for the construction of private hospitals was reviewed by Indecon Economic Consultants as part of the overall review of property tax incentives in 2005. Indecon consulted widely in the course of its review, including

consultations with the Department of Health and Children and the Health Service Executive. Its report was published on 6 February 2006 and is available on the Department's website. The summary of the main findings from Indecon's analysis is as follows.

There has been an overall increase in planning applications and approvals for private hospitals since 2000 but most have not proceeded to date; most of the extra investment in the sector would either not have been undertaken, or would have taken longer to come on-line in the absence of the tax incentive scheme; while it is too early to provide detailed estimates of the impact of the scheme on the supply and on the costs of hospital beds, Indecon believes the scheme has the potential to address supply shortages in the sector and to reduce costs.

The net cost of this measure to date was estimated by Indecon at €23 million. This will be spread over a number of years. Private health care is a long established feature of the system of health care provision in Ireland and acts as a strong complement to the publicly funded system. Private health care provision spans from general practitioner services through private beds in public hospitals and private hospitals to private nursing homes. The Government is committed to exploring fully the scope for the private sector to provide additional capacity in the health system. The key objective is to provide the required extra capacity, whether this is in the public or private sector.

A number of Government policy initiatives support the co-existence of public and private health care such as: the designation of private and semi-private beds in public hospitals; income tax relief on private health insurance premiums; income tax relief on medical-dental expenses; the National Treatment Purchase Fund sources capacity in private hospitals for public patients; and the Tánaiste's policy direction to the Health Service Executive to build private hospitals on public sites thereby freeing up beds for public patients.

Public Service Employment.

72. **Mr. Howlin** asked the Minister for Finance if, in regard to the allocation in the revised Book of Estimates, providing for an increase of more than 8,800 in public service numbers, the areas to which these staff will be allocated; and if he will make a statement on the matter. [12379/06]

Minister for Finance (Mr. Cowen): The figures in table 5 of the Revised Estimates Volume are the average public service numbers which are calculated on the basis that they equate to the numbers that underpin the Exchequer pay and pensions bill in 2005 and 2006. They are set out in table 5 on a Vote basis with an increase being

recorded from 2005-06 of 8,818. This figure includes provision for filling posts that were vacant in 2005. It is a matter for each Minister to deploy resources within Government policy on public service numbers.

Tax Collection.

73. **Mr. Stagg** asked the Minister for Finance the number of court prosecution initiated as a result of tax evasion in respect of each year since 1997; the number of cases in which convictions were secured; the number of cases in which prison sentences were imposed; the sentence in each case; if he has satisfied himself with the level of court cases taken having regard to the high level of evasion; if he will report on the work of the investigations and prosecutions division of the Revenue Commissioners; and if he will make a statement on the matter. [12402/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the following information is the up to date position on court prosecutions initiated for tax evasion. In 1997, there was one prosecution and one conviction. A fine of €635 was imposed with no custodial sentence. In 1998, there were six cases and eight convictions; fines totalling €42,854 were imposed. There were two custodial sentences, one of six months suspended and one of two years suspended. In 1999, there were two cases and one conviction. In one case a fine of €19,046 was imposed with no custodial sentence. In the other the defendant was acquitted. In 2000, there were three cases and three convictions. Fines totalling €952 were imposed. There were two custodial sentences, one of two years, reduced to 18 months on appeal, and another of 12 months suspended. In 2001, there were four cases and four convictions. Fines totalling €14,284 were imposed. There were four custodial sentences, one of 12 months, two of six months suspended and another of three months.

In 2002, there were three cases and three convictions. Fines totalling €5,540 were imposed and there was one custodial sentence of six months. In 2003, there were six cases and seven convictions. Fines totalling €29,365 were imposed and there was one custodial sentence of two years suspended. In 2004, there was one case and one conviction. A fine of €5,000 was imposed and 180 hours community service was imposed in lieu of a three months custodial sentence. In 2005, there were eight cases finalised and ten convictions resulted — a prosecution for tax evasion can involve more than one person, or a case may involve both individual and corporate culpability. There were three custodial sentences, one of two years suspended and two of three months each. In a further two cases 240 hours and 120 hours of community service were imposed in lieu of cus-

todial sentences of six months and three months respectively. Fines totalling €199,287 were imposed. In another two cases guilty pleas were entered and sentencing was adjourned. In 2006 so far, there are 12 cases before the courts and a fine of €2,000 has been imposed in respect of a case adjourned from December 2005.

Revenue has a clear policy of prosecuting cases of serious tax evasion. This function is tasked to its investigations and prosecutions division. Following the restructuring of Revenue in 2003, all investigation activity was consolidated in this division with a remit to co-ordinate all prosecution work and, in particular, to increase the number of criminal investigations for serious tax offences and ultimately to increase the number of prosecutions. The number of investigators was also increased for this purpose.

The latest figures indicate that this approach is continuing to bear fruit. There are currently 56 cases under investigation for potential prosecution, the Director of Public Prosecutions is considering a further ten cases and has given directions to prosecute in another seven. In another case a bench warrant has been issued for failure to attend court and, as I have stated, 12 cases are currently in the court process. I am satisfied that the above figures vindicate the decision to concentrate Revenue's prosecution resources in one area.

Question No. 74 answered with Question No. 13.

Economic Policy

75. **Mr. Deenihan** asked the Minister for Finance when he last met with the Central Bank to discuss economic policy. [12545/06]

Minister for Finance (Mr. Cowen): I am aware of the Central Bank's views on economic policy through its various publications, including the quarterly bulletin. I also meet the governor of the bank from time to time to discuss various economic issues. My last meeting with the governor was yesterday.

State Property.

76. **Mr. Gilmore** asked the Minister for Finance the position regarding the planned sale of State property announced; the property sold to date and the amount raised; the way in which the money used has been raised; the properties it is planned to sell during 2006; and if he will make a statement on the matter. [12401/06]

Minister for Finance (Mr. Cowen): As part of the transforming of State assets programme the following properties have been disposed of:

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Disposed of in 2004

Property	Method of Sale	Price
		€
2 Church St., Dungarvan, Co. Waterford	Public Auction	337,000.00
Lad Lane, Dublin 2.	Public Tender	22,500.00
Blacklion Customs Frontier Post Site — Cavan	Private Treaty to Cavan Co. Co.	21,586.23
72-76 St Stephen's Green, Dublin 2.	Public Tender	52,300,000.00
Kilmacthomas G.S., Co. Waterford	Private Treaty to Waterford Co. Co.	100,000.00
14/16 Lord Edward Street, Dublin 8.	Public Tender	8,780,140.48.00
Thomastown GS, Co. Kilkenny	Public Auction	450,000.00
Total 2004		84,488,726.71

Disposed of in 2005

Property	Method of Sale	Price
		€
Dungloe Former SWO, Co. Donegal	Private Treaty	300,000.00
Leighlinbridge GS, Co. Carlow — disposal of part of site	Public Auction	165,000.00
Ashbourne GS — disposal of part of site	Public Auction	2,125,000.00
St. John's Road site (Westgate)	Public Tender	44,916,551.79
Ballinskelligs Old Garda Station, Co. Kerry	Public Auction	409,693.03
Kilronan CGS, Galway. Sale of site to Údarás.	Private Treaty	1,416.53
Galway — 16 Eyre Square	Private Treaty	9,920.59
26-27 Eden Quay, Dublin 1.	Public Tender	4,205,000.00
Chantilly site, Rathmichael, Co. Dublin	CPO compensation	5,162,202.65
Total 2005		57,294,784.59

Disposed of in 2006

Property	Method of Sale	Price
		€
The former Vet. College, Shelbourne Road, Dublin 4	Public Tender	171,558,110.36
Lynch's Lodge Hotel, Macroom, Co. Cork	Public Tender	2,300,036.08
Total (To-date) 2006:		173,858,146.44

The proceeds of these sales are forwarded to the Department of Finance as extra Exchequer receipts to be offset against funding for decentralisation. Identification of properties surplus to requirements is continuously evolving; premature

release of disposal information and timescales would affect the potential income from such disposals.

Properties identified for disposal in 2006 are as follows:

Property for Sale	Method of Sale
Muff Garda Station, Co. Donegal	Public Auction
Bridgend former Customs & Excise Post, Co. Donegal	Public Auction
Knocknagoshel Garda Station House, Co. Kerry	Public Auction
Gardiner St. former SWO, Dublin 1.	Private Treaty
CPO Ballyshannon SWO, Co. Donegal	CPO Compensation
Faculty Building, Shelbourne Road, Ballsbridge, Dublin 4	Public Tender

Tax Yield.

77. **Ms C. Murphy** asked the Minister for Finance if he will provide an amnesty for old age pensioners against the payment of annual Government automatic teller machine card charges considering the disincentive this charge is providing for pensioners towards using financial institutions; and if he will make a statement on the matter. [12553/06]

Minister for Finance (Mr. Cowen): Stamp duty exists on various financial cards in order to provide Exchequer revenue. The stamp duty on cheques, bills of exchange and promissory notes has existed for many years and when electronic means of money transfers were subsequently introduced, stamp duty was gradually extended to these products to ensure that the stamp duty from cheques etc. was not eroded. The current annual rates of stamp duty are as follows: credit card account and charge card — €40; ATM card without a debit function — €10; debit card without an ATM function — €10; and combined ATM and debit card — €20. The stamp duty applies irrespective of the volume of bank transactions made. I do not believe that these charges are either excessive or act as a disincentive for pensioners using financial institutions. There are no plans to introduce such exemptions to stamp duty for any category of individual.

Section 128 of the Finance Act 2005 contained measures to eliminate a double stamp duty charge on the switching of financial cards and this year's Finance Bill contains provisions to reduce the stamp duty on combined ATM and debit cards to €10, where only one function — either ATM or debit function — is used during the year. Stamp duties on financial cards are significant contributors to the Exchequer and are in accordance with the overall taxation policy of widening the tax base in order to keep direct tax rates generally low. In 2005, the stamp duty on ATM, debit and combined cards contributed €37.8 million to the Exchequer while the yield from credit cards was €63.8 million.

78. **Mr. Penrose** asked the Minister for Finance the amount collected to date by the Revenue Commissioners through special investigations; and if he will make a statement on the matter. [12391/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that figures for the total yield from various special investigations and initiatives by the Revenue Commissioners for the years 1998 to 2005 and updated to 28 February 2006 are set out in the following table. Yield from special investigations up to end February 2006.

Heading	Total yields
	€ million
DIRT Audits	225.0
Bogus Non-Resident Accounts	612.2
Offshore Assets	807.7
Single Premium Policies	389.0
Ansbacher	55.9
NIB/Clerical Medical	57.0
Tribunals	36.2
Total	2,183.0

Housing Policy.

79. **Mr. Sargent** asked the Minister for Finance the measures his Department has taken to reduce the economy's exposure to the housing market; and if he will make a statement on the matter. [12417/06]

Minister for Finance (Mr. Cowen): The housing sector has performed very strongly over recent years, with housing supply increasing in response to high levels of demand, which, in turn, have been underpinned by a range of fundamental demographic and economic factors. Total housing output for 2005 reached an all-time high of about 81,000 units. Construction employment growth was also particularly buoyant in 2005 and employment in this sector now accounts for one in eight jobs.

As acknowledged in the stability programme update published with the 2006 budget, the fact that the construction sector now accounts for a historically high share of economic activity and also employment implies that the economy is vulnerable to any shock affecting this sector.

In this context, I announced in budget 2006 that a range of property-related tax incentive schemes were to be discontinued, on foot of a comprehensive review of the schemes undertaken by independent consultants in the course of 2005. In line with the recommendations of the consultants, the 2006 Finance Bill provides that the tax schemes in question, several of which include a significant housing component, will be discontinued on a transitional basis, with full tax relief available for qualifying expenditure in 2006, and with decreasing levels of relief available in 2007 and in the period from January to end-July 2008, after which the relief will not be available. The gradual phasing-out of the tax relief schemes is designed to avoid any sudden shock to the construction sector generally, having regard to the important contribution of this sector to Irish economic growth at present. The credit policies of lending institutions also have an important role in ensuring the orderly evolution of the housing

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market, and in this regard the financial regulator continues to emphasise to lenders the importance of applying high credit assessment standards.

Question No. 80 answered with Question No. 68.

Question No. 81 answered with Question No. 15.

Tax Code.

82. **Mr. Deasy** asked the Minister for Finance if he has received fresh analysis of the tax relief availed of by top earners as revealed by the Revenue study of the 400 highest earners; and if he will indicate the findings; and if he will make a statement on the matter. [12495/06]

Minister for Finance (Mr. Cowen): The Revenue Commissioners' study, Effective tax rates of the top 400 earners: Report for the tax year 2001, was published by my Department in March of last year. I understand that the equivalent report in regard to 2002 is near completion. This will be published by my Department in due course, as in the past.

Freedom of Information.

83. **Mr. Gormley** asked the Minister for Finance if he will act on the recommendation of the GRECO group of the Council of Europe that the Government should reconsider its policy of charging fees for freedom of information requests. [12412/06]

Minister for Finance (Mr. Cowen): It is not my intention to reconsider the policy of charging fees for freedom of information requests on foot of the recommendation referred to by the Deputy.

Peer Review System.

84. **Ms B. Moynihan-Cronin** asked the Minister for Finance if the promised peer review system for large ICT projects is in place; the way in which same will operate; the threshold of figure above which the peer review system will operate; if the centre for management organisation development within his Department will play a role in the peer review; the number of such projects that have been submitted to peer review to date; and if he will make a statement on the matter. [12385/06]

Minister for Finance (Mr. Cowen): The centre for management and organisation development, CMOD, in my Department developed procedures for the peer review process and agreed these in meetings with other Departments and

offices late last year and the formal peer review process is now operational.

The peer review is carried out at key decision points, preliminary business case assessment, detailed assessment, pre-tender, post-tender, and project close-out, by a team of experienced people external to the project board and the organisation. The process particularly focuses on examining the preparation of good business cases; cost benefit analysis; affordability within the approved budget for the organisation; detailed planning; and the governance arrangements etc. Peer review teams are selected by the sponsoring Department or office of each project subjected to the process, and these selections are subject to agreement with CMOD. Review teams include people with relevant experience and these people can be drawn from both the public and private sector.

However, while I believe that the peer review process is a very worthwhile initiative and is an additional safeguard in the development and implementation of IT projects, it does not in any way override the accountability arrangement in place within organisations. It is envisaged that reviews will be carried out for all projects where the development and roll-out costs exceed €5 million or where the project would be likely to stretch the resources of the sponsoring Department or agency.

As well as developing and agreeing the process with other Departments and offices, CMOD is co-ordinating, administering and controlling the peer review process across the public service which includes: providing a panel of peer reviewers to sponsoring organisations; selecting the number and type of projects to be peer reviewed; agreeing the composition of peer review teams; considering the peer review team's findings and the sponsoring organisation's consideration of these findings for each stage of the peer review process before making and issuing any final decision to proceed or halt; developing a website in the future where review findings will be placed in the public domain.

To date four projects have been submitted to peer review and these include: the Department of Foreign Affairs system to include biometrics in passports which commenced in January 2006; the Health Service Executive hospital inpatient service programme, HISP, which commenced in January 2006; the Department of Justice, Equality and Law Reform Schengen information system which commenced in March 2006 and; the Department of Justice, Equality and Law Reform's automated fingerprint identification system which commenced in March 2006.

Decentralisation Programme.

85. **Mr. S. Ryan** asked the Minister for Finance

the number of civil servants and other public servants who had been decentralised from Dublin to other locations by the original deadline for the completion of the plan of December 2006; his plans to review the scale or scope of the proposal in view of the poor response to the scheme to date; and if he will make a statement on the matter. [12396/06]

Minister for Finance (Mr. Cowen): I have no plans to change the scale or scope of the decentralisation programme. In line with the timeframes set out by the decentralisation implementation group in its June report I expect that up to 1,000 posts will have decentralised by end 2006-early 2007.

I do not accept the Deputy's view that there has been a poor response to the programme. On the contrary, the Government is very pleased with the numbers of people who have applied to the central applications facility, CAF. There have been about 10,600 applications so far and new applications are being received each week. The CAF remains open and continues to accept further new applications.

In addition, there has already been considerable movement of staff within and between Departments and offices in preparation for decentralisation with over 1,200 officers already assigned to posts that will decentralise. Departments are continuing their detailed preparations in regard to all aspects of the programme.

86. **Mr. Durkan** asked the Minister for Finance the progress and cost to date of the Government's decentralisation programme; and if he will make a statement on the matter. [12462/06]

Minister for Finance (Mr. Cowen): To date, over 1,200 civil servants have been assigned to decentralising posts. This represents 17% of the overall number of approximately 7,200 Civil Service posts earmarked for decentralisation. Many of these staff are located in Dublin for a transition period to enable effective transfer of skills and knowledge and to ensure that quality customer service continues to be delivered as decentralisation is rolled out. A small number of advance moves have taken place to decentralised locations to date, including Sligo, Portlaoise, Athlone, Thurles, Tipperary town and Na Forbacha in Galway.

I refer the Deputy to the decentralisation implementation group's July, 2005 report which identified progress in regard to property, implementation planning, numbers of applicants and human resources and industrial relations issues. In line with the group's approach to phasing, the report provided indicative construction start and completion dates for the procurement of office accommodation in the new locations. The full contents of this report can be accessed at www.decentralisation.gov.ie.

The final construction dates can only be confirmed when the tender process has been completed in respect of each location and are contingent on the level and quality of market interest in respect of sites, successful negotiation of contracts, receipt of acceptable planning permissions, timely completion of briefs and successful acquisition of suitable sites. I understand the OPW is currently updating the position on the property aspects of the programme in light of experience to date.

When details of the Government's decentralisation programme were first announced in budget 2004 it was stated that the overall objective would be to ensure that property being acquired at a regional level would be matched as closely as possible, both in time and in cost terms, by the disposal of property currently held in the Dublin region, whether held on lease or otherwise. In November 2004 the implementation group submitted a report on the procurement methodology and financial assessment of the property aspects of the programme, including a financial model, based on a property finance study carried out by the Office of Public Works. While the prevailing property market conditions in each area will have a bearing on cost, this model indicates that the break-even position in regard to property will be reached in about 20 years.

The latest information available from the OPW suggests that the total amount committed in principle to date by the OPW on site acquisition costs, excluding VAT, is approximately €36.3 million. In regard to other non-property aspects of the programme, a report was prepared by Deloitte & Touche at the request of the implementation group. This report provided a model for identifying non-property costs and savings that might arise both during the relocation phase and in the context of a post-decentralised Civil Service. Decentralising organisations have now been asked to use this model to make periodic reports identifying costs incurred and savings made since the programme was announced and going forward. I will forward the Deputy information on these costs when the relevant reports have been received from decentralising organisations. I would not anticipate, however, at this stage that these costs would be significant.

Tax Code.

87. **Ms McManus** asked the Minister for Finance the number and percentage of income earners who are paying tax at the higher rate and the standard rate for 2005; the anticipated figures for each category for 2006; and if he will make a statement on the matter. [12383/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the information requested by the Deputy is as follows:

[Mr. Cowen.]

Numbers of income earners on income tax record

Year	Standard Rate*		Higher Rate	
	Number	%	Number	%
2005	641,000	31.59	666,400	32.85
2006**	663,200	32.16	658,100	31.91

* Includes relatively small numbers of income earners entitled to marginal relief

** Assuming the enactment of the changes announced in the 2006 Budget.

The numbers of income earners above have been rounded to the nearest hundred as appropriate. The numbers of income earners are based on actual data for 2002 projected forward in accordance with macroeconomic data relating to actual and expected growth in incomes and employment. The percentages are expressed in terms of the numbers of all income earners on the income tax record, including those who are exempt. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

The changes made in budget 2006, in particular the widening of the standard rate bands by €2,600, representing an increase of just under 9%, will ensure that over 90,000 taxpayers will be removed from the higher rate of tax for 2006. This measure will also ensure that those earning on or below the estimated average industrial wage for 2006 will pay tax only at the standard rate.

I would also like to point out to the Deputy that the Government's tax policies since 1997 have ensured that Ireland now has the lowest tax wedge in the EU, and one of the very lowest in the entire OECD as measured by that organisation using comparative data relating to those earning an average production wage. In addition, after-tax income, adjusted for CPI inflation, for a person on the average industrial wage, is now about 44% higher than it was in 1997. About half of this increase is due to lower taxes.

Question No. 88 answered with Question No. 13.

Special Savings Incentive Scheme.

89. **Dr. Upton** asked the Minister for Finance the number of special savings incentive scheme accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; the definite figure for likely cost to the Exchequer of the special savings incentive scheme on the basis of such figures; when the first payments will become due; the amount expected to be paid out by the Exchequer in each of the first 12 months after the SSIA mature; and if he will make a statement on the matter. [12405/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that based on preliminary declarations by all qualifying savings managers, the total number of active accounts at 31 December 2005 was 1,082,265 and the average monthly subscription was €196. This is the latest date for which figures are available.

The net cost of the scheme in 2005 was €597.4 million, with a cumulative cost of €2,181 million to end-2005. The cost of the scheme in the first two months of 2006 was €104.7 million. As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables over the remaining period of the scheme, including where participants voluntarily withdraw from the scheme or indeed vary their monthly contributions over the remainder of the scheme.

The first SSIA's commenced in May 2001 and will mature at the end of May 2006. For reasons stated above, it is not possible to state the cost to the Exchequer of the scheme in each of the 12 months after the SSIA's begin to mature.

Tax Yield.

90. **Ms Shortall** asked the Minister for Finance the amount paid to date to the Revenue Commissioners in respect of settlements made in connection with its investigation into the use of life assurance policies for tax evasion; the progress made to date in regard to the second phase of its investigation which commenced on 23 May 2005; and if he will make a statement on the matter. [12400/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that payments totalling €391 million have been made to date. As the Deputy is aware, the Revenue Commissioners are conducting their investigation into the use by taxpayers of life assurance investment products for the purposes of tax evasion in two stages. In the first stage of these inquiries taxpayers who invested undisclosed and undeclared funds in life assurance products were given until 23 May 2005 to advise Revenue of that. That part of the disclosure stage has now been successfully completed and about 10,000 notices of intention to make a disclosure were received from tax-

payers or their agents. Some of these notices were protective. Correspondence was received from others indicating that no liabilities arose.

Revenue formally commenced the second stage of its investigation into the use of life assurance products for tax evasion on 23 May 2005. New powers were provided in the Finance Act 2005 to authorise Revenue officers to examine the records that relate to a class or classes of life assurance policies and policyholders in the course of conducting sampling exercises. Revenue has completed the preliminary work in regard to the use of these new powers and authorised officers are actively engaged in the sampling process. The information gathered in this process and from the voluntary disclosures will be used to ground applications to the High Court for orders

directing insurance companies to furnish details on policyholders and policies to Revenue.

91. **Mr. Sherlock** asked the Minister for Finance the amount repaid by the Revenue Commissioners to individual taxpayers in respect of overpayments of tax in respect of each of the years 2002 to 2005; his plans for information campaigns to ensure that taxpayers are made fully aware of all their entitlements and are claiming all credits and allowances provided for; and if he will make a statement on the matter. [12399/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the amount of tax either repaid or credited against other tax liabilities of the taxpayer, in respect of the main taxes, for each of the years 2002 to 2005 is as follows:

Year	PAYE Income Tax (employees)	PAYE Income Tax (employers)	Non-PAYE Income Tax	Corporation Tax	VAT
	€m	€m	€m	€m	€m
2002	242 (approx)	41	453	279	2,500
2003	265	104	488	382	2,605
2004	278	133	452	372	2,918
2005	332	96	522	500	3,449

The repayments of corporation tax refer to individual claims made by companies from year to year. VAT repayments are part and parcel of the way the VAT system works with traders charging VAT on their output but re-claiming the VAT paid on their inputs. The figures do not include repayments to non-resident claimants of Irish tax deducted from income arising in Ireland. Neither do they include relevant contracts tax where the normal operation of the system involves the routine claiming of repayments or offset against normal tax liabilities.

In the case of PAYE, repayments arise as a general rule in response to claims made by taxpayers containing specific information not previously known to Revenue and the level of repayments shows that many taxpayers are aware of the tax credits and reliefs to which they are entitled and of the necessity to make the claim.

The Revenue Commissioners are conscious of their responsibility as contained in their customer service charter to provide taxpayers with the necessary information and all reasonable assistance to enable them to clearly understand and meet their tax and customs obligations and to claim their entitlements and credits. Revenue has always been proactive in ensuring that PAYE taxpayers in particular are made fully aware of their rights and are facilitated in claiming repayments due. For example, the tax credit certificate sent to each PAYE taxpayer at the start of the tax year is accompanied by a detailed leaflet setting out a wide range of information in regard to: main personal tax credits available for the year in question with comparative figures for the preced-

ing year; tax rates and tax bands for the year in question; exemption limits for single, widowed and married persons and; how to claim an adjustment to the tax credit certificate.

Revenue's website also provides easy to access customer service information on the full range of reliefs available to taxpayers, together with a range of claim forms in downloadable format. The Revenue homepage on the website also contains a "What's New" section where customers are alerted to timely items of interest.

In regard to PAYE, as the Deputy will be aware, Revenue have procedures in place so that many reliefs need not be claimed at all as they are given at source, for example mortgage interest, pension contributions, permanent health insurance and medical insurance. Others need only be claimed once and are automatically carried forward from year to year, for example, basic tax credits, PAYE credit, age credit for the over 65s and trade union subscriptions. The only reliefs that need to be claimed on an ongoing basis are those that are expenditure related, such as for medical expenses, certain dental expenses, third level tuition fees and rent relief.

While a wide range of information channels have been used to put details regarding taxpayer entitlements into the public domain, I would emphasise that the primary responsibility for ensuring that Revenue has the most up to date information on a taxpayer lies with the taxpayer him or herself.

Revenue is planning additional on-line services for PAYE customers later in 2006. These new services will also be accompanied by a campaign

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to publicise the services and notify taxpayers on the options available to claim their entitlements. With these new interactive on-line self-service channels, and the existing comprehensive range of information already available, I am satisfied that taxpayers are being made as fully aware as possible of their entitlements to claim credits and allowances.

Question No. 92 answered with Question No. 12.

Garda Stations.

93. **Mr. Costello** asked the Minister for Finance the position in regard to the refurbishment of Dunmanway Garda station; when he expects work to commence on the said refurbishment; and if he will make a statement on the matter. [9761/06]

131. **Mr. J. O’Keeffe** asked the Minister for Finance the position in regard to negotiations with the adjoining landowner regarding the acquisition of a plot of ground required to facilitate the extension and refurbishment of the vacant Garda station in Dunmanway; and if he will make a statement on the matter. [12874/06]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 93 and 131 together.

The Commissioners of Public Works are currently at an advanced stage of negotiations with an adjoining landowner regarding the acquisition of a plot of land to the rear of Dunmanway Garda station. Following the acquisition, the commissioners will proceed immediately with the proposed refurbishment works to Dunmanway Garda station, in consultation with the Department of Justice, Equality and Law Reform.

Care of the Elderly.

94. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of grants awarded to elderly persons for home improvement grants by the Health Service Executive and health boards by county in the most recent complete calendar year for which data is available; and if she will make a statement on the matter. [12625/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

95. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the average amount awarded by the Health Service Executive and health boards by way of home improvement grants; the main types of improvement covered by such grants; and if she will make a statement on the matter. [12626/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

96. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the average time taken to process home improvement grants awarded to the elderly by the Health Service Executive; and if she will make a statement on the matter. [12627/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

97. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of occupational therapists and physiotherapists employed in different regions by the Health Service Executive who work mainly in supporting the needs of the elderly who are not in institutions; and if she will make a statement on the matter. [12628/06]

Tánaiste and Minister for Health and Children (Ms Harney): Employment information collected by my Department relates to grades and employing authority rather than to specific areas of responsibility for individual staff. As the information requested by the Deputy relates to the delivery of health and social care services and human resource management issues which are matters for the Health Service Executive, the parliamentary affairs division of the executive has been asked to respond directly to the Deputy in regard to the information sought.

The Deputy may wish to note that the employment information collected by my Department shows that the number of occupational therapists employed in the public health service increased

from 287.5 to 761.68, an increase of 474.18 or 165%, between 31 December 1997 and 30 September 2005. The number of physiotherapists employed increased from 592.89 to 1,213.44, an increase of 620.55 or 105%, over the same period. Included in these figures are Health Service Executive-health board staff employed by volun-

tary hospitals and staff employed by intellectual disability agencies. A breakdown of the figures, including information on Health Service Executive-health board staff by region, is given in the following tables. All figures are given in whole-time equivalents.

Occupational Therapists — all grades

	Area	31/12/1997	30/09/2005	Increase	% Increase
Health Service Executive Employees Only	Eastern	71.42	153.95	82.53	116%
	Midland	16.00	61.10	45.10	282%
	Mid-Western	11.44	27.00	15.56	136%
	North-Eastern	24.46	56.75	32.29	132%
	North-Western	17.21	57.02	39.81	231%
	South-Eastern	14.30	47.70	33.40	234%
	Southern	19.52	70.32	50.80	260%
	Western	18.22	57.08	38.86	213%
	Total	192.57	530.92	338.35	176%
Intellectual Disability Services		28.16	82.48	54.32	193%
Voluntary Hospitals		66.77	148.28	81.51	122%
Total ¹		287.5	761.68	474.18	165%

Physiotherapists — all grades

	Area	31/12/1997	30/09/2005	Increase	% Increase
Health Service Executive Employees Only	Eastern	59.93	141.21	81.28	136%
	Midland	27.09	76.05	48.96	181%
	Mid-Western	25.45	74.25	48.80	192%
	North-Eastern	35.90	88.88	52.98	148%
	North-Western	44.81	73.40	28.59	64%
	South-Eastern	48.87	91.90	43.03	88%
	Southern	46.99	125.10	78.11	166%
	Western	40.88	93.87	52.99	130%
	Total	329.92	764.66	434.74	132%
Intellectual Disability Services		20.74	90.91	70.17	338%
Voluntary Hospitals		242.23	357.87	115.64	48%
Total ¹		592.89	1,213.44	620.55	105%

Source: Health Service Personnel Census.

Note 1: Includes all Health Service Executive and Voluntary Hospital Staff together with the Staff of certain Disability Sector Agencies.

Health Services.

98. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the average interval that a person can expect to wait before receiving services from occupational and physiotherapists; and if she will make a statement on the matter. [12629/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are

the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

99. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive does not make allowances for VHI,

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BUPA and so on contributions in assessing the means of applicants for nursing home subvention; if the elderly are wise to continue making such contributions in view of the fact that the Health Service Executive view such contributions as not allowable under various means tests operated by the Health Service Executive; and if she will make a statement on the matter. [12630/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The rules governing the assessment of means of applicants for nursing home subvention are set out in the Nursing Homes (Subvention) Regulations 1993, SI 227 of 1993. The regulations state that in calculating the means of a person in respect of whom a subvention has been sought, the HSE shall take all sources of income into account, including wages, salary, pension, allowances, etc. The regulations go on to state that means will be assessed net of pay related social insurance, statutory contributions and statutory levies. Therefore contributions to private health insurers such as VHI and BUPA are not taken into account as part of the means test. It is a matter for each individual to decide whether or not to pay into private insurance.

100. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the proportions of applications for nursing home subvention that are typically deemed as high, medium and maximum dependency by the Health Service Executive; and if she will make a statement on the matter. [12631/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

101. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the proportion of applications for nursing home subvention that qualifies for more than 50% of the maximum possible allowance; and if she will make a statement on the matter. [12632/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have

this matter investigated and to have a reply issued directly to the Deputy.

102. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the maximum rate of nursing home subvention available on 1 June in each year since 1994; and if she will make a statement on the matter. [12633/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Fourth Schedule of the Nursing Home (Subvention) Regulations 1993, SI 227 of 1993, set the maximum weekly rates of subvention, as assessed under the dependency assessment procedures. These rates were: medium dependency — £70 per week; high dependency — £95 per week; maximum dependency — £120 per week. These rates were increased by 25% in the Nursing Homes (Subvention) (Amendment) Regulations 2001, SI 89 of 2001, to: medium dependency — £90 per week or €114.30; high dependency — £120 per week or €152.40; maximum dependency — £150 per week or €190.50. However, the HSE has discretion to pay more than the maximum rate of subvention in a case, for example, where personal funds are exhausted. The application of this provision in an individual case is a matter for the HSE in the context of meeting increasing demands for subvention within resources. In general, the average rate of subvention paid by the HSE generally exceeds the current approved basic rates.

103. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the average number of persons receiving nursing home subvention each year since 1994; the number of persons who received a subvention at any time since 1994; and the number of applicants for nursing home subventions in that period; and if she will make a statement on the matter. [12634/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

104. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding recent improvements on residential, day care and respite waiting lists for people with intellectual disabilities who are awaiting treatment. [12635/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

105. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the waiting list for appointments with the pain specialist in Galway; the number on the waiting list for each county in the western Health Service Executive area; and if she will make a statement on the matter. [12636/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

106. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason there is no pain specialist in County Mayo; if this issue will be urgently reviewed and a pain specialist appointed in County Mayo; and if she will make a statement on the matter. [12637/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

107. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the extent of bereavement counselling services provided by the State in the north Kerry area; and if she will make a statement on the matter. [12638/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have

this matter investigated and to have a reply issued directly to the Deputy.

108. **Mr. N. O'Keeffe** asked the Tánaiste and Minister for Health and Children the position regarding the provision of funding for a project (details supplied) in County Cork. [12639/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

109. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Kildare will be given their medical records in relation to their attendance in Naas General Hospital; and if she will make a statement on the matter. [12640/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Care of the Elderly.

110. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason there is no funding available for a home care package for a person (details supplied); and the location of the so called extra money for the elderly. [12645/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

111. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if consideration has been given to embarking on a campaign where free nicotine gum will be offered to help

[Mr. O'Connor.]

people give up smoking; and her views with regard to actions needed to combat smoking particularly among young people. [12646/06]

Tánaiste and Minister for Health and Children (Ms Harney): Nicotine replacement therapies are available to medical card holders on foot of recommendations made by the cardiovascular health strategy group and the advisory forum established to support the task force in the implementation of strategy. Evidence shows that lower socio-economic groups have a higher incidence of smoking and spend a higher proportion of disposable income on tobacco. Accordingly, it was considered that this group is in greatest need of assistance in helping them to quit the habit.

A common list of reimbursable medicines is in place for the general medical services and drug payment schemes to ensure equity in relation to the range of medicines paid for by the State under both schemes. In order for a product to be reimbursable under the two schemes, it must satisfy a number of criteria, including that it is ordinarily supplied to the public only by medical prescription and that it should not be advertised or promoted to the public. Nicotine replacement therapies belong to a category of products that would not normally satisfy these criteria, in that they are generally available over-the-counter, and may be advertised directly to the public. However, in light of the recommendations that were made, it was decided, as an exceptional measure, to make the full range of nicotine replacement therapies, including nicotine gum, available on prescription to medical card holders.

It is important that smoking prevalence and particularly smoking by young persons is tackled in a comprehensive manner. This includes legislation, regulation, health promotion and education.

Following on from the results of the first national health and lifestyles survey, 1999, my Department launched an awareness-raising campaign that specifically targeted young women. Through television, radio and outdoor advertising, the campaign NICO delivered a simple message that smokers are less attractive. The advertisement was evaluated and achieved unprecedented recognition and awareness scores among the target audience. The campaign was extended in 2004 with the development of a second advertisement, NICO's Crib, targeting young people in general. Future awareness-raising campaigns on the dangers of smoking are being considered by the Health Service Executive in line with its wider awareness-raising commitments.

Education and health promotion in relevant settings is another key objective in reducing the numbers of young people who smoke. The cardiovascular strategy, Building Healthier Hearts, recommended that an annual module on smoking

should be included in the social, personal and health education curriculum now being delivered in all schools. Smoking is examined in the context of all substance uses and is part of a programme designed to educate and empower young people to make good health and lifestyle choices.

Recent research commissioned by the health promotion unit and the Office of Tobacco Control show downward trends in the number of young people smoking. Despite this, my Department and the wider health services are committed to further reducing these figures by continuing to discourage young people from starting smoking and ensuring that adequate information and support are available for those wishing to quit.

112. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the position concerning the delivery of an orthodontic treatment programme to primary schools in County Galway; if there are vacancies on the dental staff; and if she will make a statement on the matter. [12669/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

113. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the position regarding an operation for a person (details supplied) in County Louth; and if she will make a statement on the matter. [12670/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

114. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children the position in relation to the provision of neurological services in Galway; and if she will make a statement on the matter. [12671/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has

requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

115. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to introduce a screening programme for bowel cancer for 60 to 69 year olds; and if she will make a statement on the matter. [12672/06]

Tánaiste and Minister for Health and Children (Ms Harney): National population based screening programmes for cancer are considered where clear evidence exists of benefit to the health of the whole population to be screened. There is evidence in relation to some specific cancers which show that population based screening can improve population health in terms of survival, morbidity and quality of life. Population based screening programmes for two specific cancers, breast and cervical, have demonstrated their efficacy and planning is underway for the national rollout of these two programmes to all regions in the country.

I received the Strategy for Cancer Control in Ireland 2006 from the chairman of the National Cancer Forum in January this year. As part of this work, the forum developed a framework for evidence based decision making in relation to the introduction of population based screening programmes and applied the agreed criteria to colorectal cancer screening. I am currently examining the strategy with a view to bringing proposals to Government. I expect to have the strategy published shortly.

Health Services.

116. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of applications received from persons with County Roscommon addresses seeking repayment of overcharges in State-run nursing homes; and if this figure will be analysed between living and deceased applicants. [12673/06]

Tánaiste and Minister for Health and Children (Ms Harney): As the Health Service Executive has responsibility for administering the national repayment scheme, inquiries relating to the scheme are referred to the parliamentary affairs division of the executive. My Department has asked the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

117. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of applications received from persons with County Leitrim addresses seeking repayment of overcharges in State-run nursing homes; and if this

figure will be analysed between living and deceased applicants. [12674/06]

Tánaiste and Minister for Health and Children (Ms Harney): As the Health Service Executive has responsibility for administering the national repayment scheme, inquiries relating to the scheme are referred to the parliamentary affairs division of the executive. My Department has asked the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

118. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when an application for subvention will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [12689/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

119. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the status of an application under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [12690/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for the provision of the housing aid scheme for the elderly, on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

120. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive orthodontic treatment; and if she will make a statement on the matter. [12692/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has

[Ms Harney.]

requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

121. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of inspectors allocated to carrying out inspections in public and private creches; the number of inspections which have been carried out in the past year; and if she will make a statement on the matter. [12697/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

122. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she will examine the circumstances as to the way in which access to a building construction site through Health Service Executive land at Shanakiel, Cork has been granted to a building developer especially in view of concern for psychiatric patients who have to walk through what is now a road frequented by heavy construction equipment and vehicles. [12719/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

General Medical Services Scheme.

123. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to a recent NCCRI report which states that some general practitioners activity discourage patients from minority ethnic grounds, in particular Travellers and asylum seekers, from attending their surgeries; her views on this report; the steps she is taking to eliminate this problem; and if she will make a statement on the matter. [12772/06]

Tánaiste and Minister for Health and Children (Ms Harney): The report of the National Consultative Committee on Racism and Interculturalism, NCCRI, referred to in the Deputy's

question has not been formally presented to my Department. I understand it was to be launched yesterday, 29 March 2006, at a conference in Belfast. I understand that the report states that most general practitioners are inclusive in their approach, while noting that the NCCRI has anecdotal evidence that some GPs actively discourage patients from minorities, in particular Travellers and asylum seekers, from attending their surgeries.

Publicly funded GP services are provided without charge to eligible patients under the general medical services, GMS, scheme. Under the GMS scheme a general practitioner will hold a contract with the Health Service Executive to provide services to those medical card and GP visit card patients who have been assigned to that doctor's patient panel. The terms of the GMS GP contract were agreed by my Department and the Irish Medical Organisation, which represents contracting GPs. A GMS GP is required, under the terms of his or her contract, to provide services to public patients on the same basis as to private patients. Furthermore, the contract provides that in instances where eligible persons experience difficulty securing the services of a GMS GP, the HSE may assign those persons to a contracted GP in the area.

My Department, the Health Service Executive and the IMO have worked together on the issue of the provision of general practitioner services to asylum seekers and non-EU nationals. GMS GPs are paid an initial registration fee in respect of each person on their GMS patient panel who is an asylum seeker or non-EU national. In addition, the HSE makes available funding to assist GMS GPs in addressing the particular needs of GMS patients who are asylum seekers or non-EU nationals. In the past my Department has also provided funding to the Irish College of General Practitioners to develop resource material and to provide training workshops for GPs on delivering services to people from different ethnic backgrounds.

Health Services.

124. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Mayo received the domiciliary care allowance. [12773/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

125. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 3 with their medical card and disability allowance problems. [12774/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

126. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children if she will arrange for medication which has been prescribed to a person (details supplied) in County Cork who has Parkinson's disease to be covered under the long-term illness assistance scheme; and if she will make a statement on the matter. [12775/06]

Tánaiste and Minister for Health and Children (Ms Harney): Under the 1970 Health Act, the Health Service Executive may arrange for the supply, without charge, of drugs, medicines and medical and surgical appliances to people with a specified condition, for the treatment of that condition, through the long-term illness scheme, LTI. The LTI does not cover GP fees or hospital co-payments. The Deputy will be pleased to note that Parkinsonism is one of the conditions included under the LTI scheme. In order to avail of services under the scheme, patients must apply to their local office of the Health Service Executive.

127. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 49 of 26 January 2006, if the additional occupational therapy support and speech therapy support has been made available to the person concerned; and if she will make a statement on the matter. [12776/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): With regard to the matters raised by the Deputy in Parliamentary Question No. 49, I understand that the Health Service Executive replied to the Deputy on 8 February 2006. The Deputy's current question also relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

128. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the progress that has taken place in the case of two juveniles out of home without permission, one under the influence of an older person; if contact has been made by her Department with the objective of co-ordinating efforts to deal with the issue; and if she will make a statement on the matter. [12791/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The case referred to by the Deputy has been referred to the Health Service Executive which, under the Health Act 2004, has statutory responsibility for the provision of services under the Child Care Act 1991, as amended. I have asked the parliamentary affairs division of the executive to look into this matter and reply directly to the Deputy as a matter of urgency.

Departmental Staff.

129. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Health and Children the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13141/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Department of Health and Children had no employees on suspension with pay as on 31 December 2004 and 31 December 2005.

Question No. 130 answered with Question No. 21.

Question No. 131 answered with Question No. 93.

Tax Code.

132. **Mr. Bruton** asked the Minister for Finance if he has imposed restrictions on the right to obtain interest relief on borrowings on properties purchased overseas for renting or for occupation. [12574/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that, in the same way as interest relief is granted for Irish rental property, interest relief is granted on money borrowed that is used for the purchase, improvement or repair of rental property outside the State. However, no interest relief is available for individuals on money borrowed to purchase property outside the State as a residence or holiday home, with one exception. The exception arises where an individual purchases a qualifying residential premises that is situated in Northern Ireland or Great Britain; and such premises is used by that individual, or by his or her separated spouse, as that person's sole or main residence. For a non-first time buyer who qualifies for this exception, tax relief is due, at the standard rate,

[Mr. Cowen.]

that is at 20%, on interest paid subject to the following limits: for a married couple on joint assessment, a maximum relief of €5,080 at 20%; for a widowed person, a maximum relief of €5,080 at 20%; and for any other individual, a maximum relief of €2,540 at 20%.

The exception covers mainly the situation of a Northern Ireland resident individual who is employed and works full-time in the State, for example, a cross-Border worker.

State Property.

133. **Mr. Ardagh** asked the Minister for Finance when the north linear park along the Liffey near Chapelizod will be transferred to Dublin City Council (details supplied). [12575/06]

Minister of State at the Department of Finance (Mr. Parlon): The transfer of the property in question was completed on 2 March 2006.

134. **Mr. Ardagh** asked the Minister for Finance if he will have the Office of Public Works acquire Liffey Vale House, on the Liffey near the Army Rowing Club, for the State in order that the people of Chapelizod can enjoy it as part of the linear park (details supplied). [12576/06]

Minister of State at the Department of Finance (Mr. Parlon): Liffey Valley House is owned by the Minister for Finance on behalf of the State and the Commissioners of Public Works are considering its development potential. A planning application is under preparation. The Commissioners of Public Works will consider all options for the property once the planning application has been determined.

Tax Code.

135. **Mr. Kehoe** asked the Minister for Finance if he will arrange for P21s to be issued to persons (details supplied) in County Wexford; and if he will make a statement on the matter. [12577/06]

Minister for Finance (Mr. Cowen): The Revenue Commissioners have advised that P21s issued for the years 2003 and 2004 on 24 February 2006 in accordance with income and tax credit details held on computer record. A P21 for 2005 issued on 27 March 2006 following the provision of pay and tax details on 24 March 2006 by the taxpayers. These details were not already held on computer record. These actions are in accordance with commitments given in response to a similar query raised in a question, reference number 7760/06, on 28 February 2006.

136. **Ms Shortall** asked the Minister for Finance the reason for the long delay in amending the tax affairs of a person (details supplied) in Dublin 11 to reflect the fact that the person is paying weekly reckonable maintenance payments of €250 to

their former spouse; and if their mortgage interest relief will be reinstated due to the fact that their principal private residence has changed; and if he will ensure that this is done as soon as possible. [12644/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the person contacted Revenue with the relevant details on 12 August 2005. His tax credits were amended accordingly on 19 October 2005. However due to a processing error the certificate of tax credits giving effect to the revised credits for 2005 did not issue. The Revenue Commissioners regret this error.

As 2005 has now passed and as the person is also self-employed, it will be necessary for him to file a return for 2005 before Revenue can review his tax position for that year, taking account of both his self-employment income and the maintenance payments. If he wishes, this can be done immediately so that Revenue can review his liability.

The person called to the central Revenue information office on 18 February 2006 with a letter giving details of his maintenance payments. His tax credits for 2006 have now been amended to include the maintenance payment and a certificate of tax credits will issue shortly.

He and his partner have also received tax relief at source in respect of their current home for 2003. For 2002 he is due a refund of €289.59 in respect of additional mortgage relief. A cheque will issue shortly.

137. **Mr. Wall** asked the Minister for Finance if the tax affairs of a person (details supplied) in County Kildare are up to date; if a tax rebate is owed to the person; and if he will make a statement on the matter. [12684/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the income tax affairs of the taxpayer are up to date. Unfortunately, the certificate of tax credits for 2006, which issued to the taxpayer on 8 February 2006, was received too late for update by her employer for her February 2006 salary. As her February 2006 salary also included salary arrears, income tax of €809.88 was deducted from her total salary for the month. The position has been rectified by the employer for her March 2006 salary and a tax refund of €302.52 has been made to her.

Computerisation Programme.

138. **Mr. Allen** asked the Minister for Finance if he will make a full statement on the ongoing problems with the computer system in the tax offices here. [12685/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that they

introduced an entirely new computer system for PAYE last October — the first total redesign of the system in 40 years. This major new development was necessary not only to modernise the whole PAYE computer system, which was overdue, but also to allow for the provision of on-line services for PAYE taxpayers, which will become available later this year.

I am advised that there were some initial difficulties with the changeover to the new system, and in the recent “bulk issue” of 2.2 million tax credit certificates, the entitlements of a small minority of cases were affected. Revenue assures me that it had a very active process of identifying any such customers and, where appropriate, automatically issued amended notices to employers to enable them to immediately adjust the payroll deductions. Amended tax credit certificates also subsequently issued to the individuals concerned.

Tax Code.

139. **Mr. Crawford** asked the Minister for Finance his views on the possibility of providing a rebate for farmers and others who normally use, and are so entitled to do so, marked diesel; if, in that context, he agrees with Northern Ireland that only clear diesel would be available; his further views on whether this would automatically end the outrageous black market going on in washed diesel and simplify the whole system; and if he will make a statement on the matter. [12686/06]

Minister for Finance (Mr. Cowen): Currently there exists a two-tier rate structure for diesel, which is taxed at €368.05 per 1,000 litres in respect of auto use and at €47.36 per 1,000 litres for other use. Currently, there are no plans to introduce a single rate for diesel with a rebate for use in agricultural or construction machinery.

The low rate diesel is marked with a chemical and dye, which gives it a green colour, and is known as marked gas oil, MGO. While it is used in agricultural machinery and tractors, it is also widely used for commercial and domestic central heating, and in off-road vehicles, special purpose vehicles, trains, boats and industrial and construction machinery.

Under the current system misuse of MGO in vehicles can be detected by means of a visual check of colour and a laboratory check for the chemical marker. There were 173 convictions obtained for marked oil offences in 2005 and fines totalling €175,704 were imposed. A further 1,326 offences were settled on payment of compromise penalties totalling €986,720.

Where the chemical marker and dye is illegally removed from MGO to facilitate illegal use as auto diesel, it can still be identified as MGO on the basis of its sulphur content, which is higher than that of auto-diesel. In 2005 a total of 127 detections of laundered oil were made, including 21 at retail and distribution outlets and 71 involving hauliers. Over 300,000 litres of fuel and five

tankers were seized. Prosecutions in 2005 for laundered oil included eight filling stations, and ten hauliers are among those involved in 25 other cases reported for prosecution. Six convictions were obtained in 2005 and penalties totalling €5,950 and one custodial sentence, of 18 months suspended for three years, were imposed.

A change from the two-tier rate system supported by oil marking to a single rate system with repayment, could only be considered if the UK were to do likewise, as most laundered oil is produced from UK MGO — red diesel — which is cheaper than our MGO. I am not aware of any UK proposal to change to a single rate system. Even if the UK does make such a change, there are other serious drawbacks involved.

I am informed by the Revenue Commissioners that a repayment system would involve an enormous burden on their administration and audit resources, because of the very large number and diversity of MGO users. In addition, all users of low rate diesel would suffer the cash flow burden of a requirement to pay the full rate in the first instance, would have to keep records for Revenue audit purposes, maintain systems to claim repayments and suffer the delays consistent with an appropriate level of checking such claims. This would be a disproportionate impact on those who are tax compliant.

Furthermore, in Revenue’s experience, unless they are micro-controlled, repayment regimes are inherently vulnerable to abuse and are liable to be exploited by criminal elements, such as those currently involved in oil laundering. A scheme on the lines suggested would be vulnerable to extensive fraud by opening new possibilities for diversion to high-rate auto use that would be extremely difficult or even impossible to detect and prosecute.

I wish to assure the Deputy that Revenue is continuing to take a vigorous approach to the problem of oil laundering and a major national project, which will target mineral oil retail outlets and large-scale users and focus on identifying the supply chain, is being put in place this year.

Site Acquisitions.

140. **Ms Burton** asked the Minister for Finance the position regarding the transfer of a site from Cork County Council to a school (details supplied) in County Cork; the number of meetings the Office of Public Works has had with the vendors of the site; and if he will make a statement on the matter. [12687/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works act as an agent on behalf of the Department of Education and Science in the acquisition of sites for new school facilities. Agreement has been reached, subject to contract, in respect of a site for Gaelscoil Cloich Coilte. Conveyancing details are currently being finalised.

Departmental Staff.

141. **Mr. J. O’Keeffe** asked the Minister for Finance the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [12699/06]

Department/Office	Employees suspended on 31 December 2004	Employees suspended on 31 December 2005
Revenue Commissioners	NIL	1
Ombudsman	NIL	NIL
Valuation Office	NIL	NIL
State Laboratory	NIL	NIL
Office of Public Works	1	2
Commission on Public Service Appointments	NIL	NIL
Public Appointments Service	NIL	NIL
Ordnance Survey	NIL	NIL

It is not my Department’s policy to comment publicly on personnel issues.

Tax Code.

142. **Ms Shortall** asked the Minister for Finance the cost to the Exchequer of the home carer’s tax credit in each of the years since its introduction; the numbers availing of this credit in each of the years since its introduction for which figures have

Home carer’s tax credit — cost to Exchequer and numbers availing of it.

Tax Year	2000/01	2001	2002	2003	2004	2005
Cost to Exchequer	€88.6 m	€57.9 m	€73.7 m	€75.6 m	€75.8 m	€76.2 m
Numbers availing	111,300	108,000	100,800	104,200	104,000	104,100

Figures for years 2003, 2004 and 2005 are provisional and subject to revision.

It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short “year” on 74% of the profits earned in a 12 month accounting period, the figure of Exchequer cost shown for 2001 will not be directly comparable with the costs for earlier or later years.

The numbers availing represent income earners who were in a position to absorb at least some of the home carer’s tax credit and thereby give rise to an Exchequer cost. They do not include the numbers of potential claimants whose entitlements to other tax credits were sufficient to reduce their liability to tax to nil without reference to the home carer’s credit. The numbers availing of the credit are rounded to the nearest hundred as appropriate. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Minister for Finance (Mr. Cowen): My Department did not have any employees on suspension with pay as on 31 December 2004 and 31 December 2005. In relation to bodies under the aegis of my Department, the following is the position:

been finalised; and if he will make a statement on the matter. [12715/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the estimated cost to the Exchequer of the home carer’s tax credit, formerly an allowance but converted to a tax credit in 2001, and the associated numbers of income earners availing of it are as set out in the following table.

Flood Relief.

143. **Mr. Durkan** asked the Minister for Finance the position in regard to discussions with Kildare County Council in the matter of the alleviation of flooding at the Mill Lane, Leixlip, County Kildare; and if he will make a statement on the matter. [12743/06]

Minister of State at the Department of Finance (Mr. Parlon): Officials from the Office of Public Works are due to meet officials from Kildare County Council on 31 March 2006 in order to discuss the Leixlip flood relief study.

Money Laundering.

144. **Mr. Durkan** asked the Minister for Finance if he has identified instances whereby organised crime has utilised or infiltrated the banking system with potential threat to the integrity and stability of the services; and if he will make a statement on the matter. [12744/06]

145. **Mr. Durkan** asked the Minister for Finance if he has in mind proposals to augment the

relevant legislation to prevent the use of the financial services by organised criminals; and if he will make a statement on the matter. [12745/06]

146. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that adequate safeguards exist to prevent the use of the financial services by way of e-technology by those involved in illicit financial transactions; and if he will make a statement on the matter. [12746/06]

147. **Mr. Durkan** asked the Minister for Finance if adequate restrictions are in place to prevent the infiltration of the financial services sector by money-launderers; and if he will make a statement on the matter. [12747/06]

148. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that adequate restrictions are in place to deter or discourage money-laundering through the financial services sector; and if he will make a statement on the matter. [12748/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 144 to 148, inclusive, together.

Irish legislation on money laundering is set out in the Criminal Justice Act 1994, as amended. Primary responsibility for legislation in this area rests with the Minister for Justice, Equality and Law Reform. This legislation and relevant regulations made by the Minister for Justice, Equality and Law Reform implemented the EU money laundering directives of 1991 and 2001 in Ireland. The procedures for the prevention of money laundering in the financial system primarily involve the requirement on financial institutions, and other designated bodies, to identify their customers, to have adequate anti-money laundering procedures in place, including staff training, to keep records and to report suspicions of a money laundering offence to the Garda Síochána and to the Revenue Commissioners.

The Financial Regulator requires all institutions which it supervises to comply with the anti-money laundering legislation and relevant sectoral guidance notes, and to have in place the necessary procedures and controls to ensure such compliance. The adequacy of such systems is reviewed by the Financial Regulator in the course of its ongoing supervision of institutions and requirements for improvement are advised to institutions as necessary. Furthermore, in accordance with its legal obligation under section 57(2) of the Criminal Justice Act 1994, the Financial Regulator is obliged to make reports to the Garda Síochána and the Revenue Commissioners where in the course of its supervision it suspects that an institution has breached the relevant money laundering provisions of the Criminal Justice Act 1994.

The Garda Síochána and the Revenue Commissioners regularly receive reports from financial institutions and other designated bodies where they suspect that a money laundering offence is being or has been committed. All such reports are investigated and progressed as appropriate by the relevant authorities.

The Financial Action Task Force on Money Laundering, FATF, the international standard setting body in this area, recently published a report on Ireland's systems to combat money laundering and terrorist funding. Ireland is one of seven countries evaluated to date in the FATF third round of mutual evaluations. Its overall ratings are comparable to those obtained by the other countries evaluated.

The revised FATF money laundering recommendations of 2003 — the standard against which Ireland's compliance was assessed — have been embodied in the third EU money laundering directive which came into force in December 2005 with a transposition deadline of December 2007. Ireland opted to be evaluated early in the third round of mutual evaluations because this would be of considerable assistance in planning the transposition of the third EU money laundering directive into Irish law. Many of the FATF recommendations on which Ireland is currently assessed as either partially compliant or non-compliant will be addressed in the transposition into Irish law of the third EU money laundering directive. These include additional measures in relation to customer due diligence, measures relating to the identification of foreign politically exposed persons, the strengthening of the sanctions for breaches of money laundering rules and the regulation of non-financial entities.

On publication of the FATF report my colleague, the Minister for Justice, Equality and Law Reform, and I jointly undertook to examine the report's recommendations thoroughly and gave a commitment to further strengthen Ireland's anti-money laundering mechanisms. The process of reviewing and updating the Irish legal framework to meet both our domestic needs and international obligations is already under way.

Tax Code.

149. **Mr. Durkan** asked the Minister for Finance if he proposes to take steps of a taxation nature to discourage job relocation to low cost economies; and if he will make a statement on the matter. [12749/06]

Minister for Finance (Mr. Cowen): Ireland today must compete in a world where rapid globalisation is providing multinational companies with a myriad of choices as to where to locate their businesses. Ireland is leading the way in attracting these businesses through low direct tax rates, both in personal and corporate taxes. The

[Mr. Cowen.]

Government actively pursues tax policies to encourage job creation and retention. Its corporation tax policy is designed at maximising the employment and economic benefits of industrial development by creating an attractive climate for business as well as a positive environment for encouraging investment.

We have made significant reforms in our taxation system aimed at encouraging an enterprise culture at both company and individual level. In this respect at corporate level Ireland offers one of the most beneficial corporate tax environments in the world. Our 12.5% corporation tax rate continues to support the necessary stable enterprise environment which Ireland has so carefully nurtured down through the years. This long-standing policy of our corporation tax has been one of the main elements in the attraction and development of top quality investment here. This legislation sets out the future tax regime for business in clear and unambiguous terms and we do not envisage the rate being amended. I have no doubt that our 12.5% corporation tax rate has significantly helped to create and safeguard record levels of investment and employment here and will continue to do so.

The Government has also established targeted tax incentives to ensure Ireland can compete in this dynamic and knowledge based economy. The new tax credit of 20% for research and development will help to enhance our competitiveness as a location for a new internationally mobile research related investment. It will also encourage existing overseas and indigenous firms to add research functions to their operations in Ireland or to increase their level of research activity.

In an international context, the most recent data available from the OECD shows that, in 2004, for a single person on an average wage, Ireland had the lowest tax wedge in the European Union and one of the lowest in the OECD. A low tax wedge makes it easier for employers to take on new employees. The fact that our unemployment rate is half the EU average is no coincidence.

Tax Yield.

150. **Mr. Durkan** asked the Minister for Finance the amount of revenue accruing to the Exchequer on foot of various forms of motor taxation including vehicle registration tax, excise duty, direct or indirect; and if he will make a statement on the matter. [12750/06]

Minister for Finance (Mr. Cowen): Revenue receipts for 2005 from fuel excise duty, vehicle registration tax, VAT on vehicles and road tax amounted to approximately €4,961 million. The following table details receipts from each tax:

Tax	2005
	€ million
Mineral Oil Tax	1,923
Vehicle Registration Tax	1,148
VAT (estimated)	1,088
Motor Tax	802

Economic Competitiveness.

151. **Mr. Durkan** asked the Minister for Finance the extent to which he has identified hidden inflationary tendencies which seem to activate job relocation to lower cost economies; the action he proposes to address the issue; and if he will make a statement on the matter. [12751/06]

Minister for Finance (Mr. Cowen): The director general of the Central Statistics Office, CSO, has sole responsibility for and is independent in deciding the statistical methodology and professional standards to be used in compiling the consumer price index, CPI. Inflation, as measured by the CPI, is forecast to average 2.7% this year. The harmonised index of consumer prices, the EU measure of inflation, is forecast to average 2.0%, broadly in line with rates in our major trading partners.

The level of employment is at an all time high and the unemployment rate is the lowest in the EU. The Deputy's concerns, therefore, are misplaced. None the less, it is vital to retain competitiveness and this Government's policies are aimed at this, via correct fiscal policies, no excise increases and the progressive removal of barriers to competition in the economy which will be reflected, in due course, in prices at retail level.

Decentralisation Programme.

152. **Mr. Durkan** asked the Minister for Finance the cost of the acquisition of all accommodation or other requirements associated with the Government's decentralisation programme to date since the scheme was first announced; and if he will make a statement on the matter. [12752/06]

Minister of State at the Department of Finance (Mr. Parlon): To date property acquisitions relating to the Government's decentralisation programme have been completed or significantly advanced in 23 locations. The particular solutions in these locations include State owned existing sites, sites purchased from local authorities, private individuals and purchases and leases of existing buildings. The estimated total committed expenditure in these 23 locations is €36.3 million, exclusive of VAT. Of this amount, approximately €13 million is in respect of sites acquired from local authorities and State agencies.

Suitable solutions have been identified in another 15 locations and negotiations to acquire these are ongoing. The overall site acquisition cost of the entire decentralisation programme is expected to be in the region of €75 million to €100 million, excluding VAT. The prices paid to date for sites are considered by the OPW to be in line with market prices.

153. **Mr. Durkan** asked the Minister for Finance the number of civil servants so far relocated under the Government's decentralisation scheme; the locations and Departments to which they have been deployed; when he expects the programme to be concluded; and if he will make a statement on the matter. [12753/06]

Minister for Finance (Mr. Cowen): To date more than 1,200 civil servants have been assigned to decentralising posts. I will forward the Deputy full details of the Departments and offices to which these staff have been assigned. Many of these staff are located in Dublin for a transition period to enable effective transfer of skills and knowledge and ensure that quality customer service continues to be delivered as decentralisation is rolled out. A small number of advance moves have taken place to decentralised locations to date, including the Department of Social and Family Affairs to Sligo, the Department of Agriculture and Food to Portlaoise, the Department of Education and Science to Athlone, the Department of Justice, Equality and Law Reform to Thurles and Tipperary town and the Department of Rural, Community and Gaeltacht Affairs to Na Forbacha in Galway.

In line with the timeframes set out by the decentralisation implementation group in its June report I expect that up to 1,000 posts will have decentralised by end the of 2006 or early 2007. As regards the programme as a whole, I refer the Deputy to the decentralisation implementation group's July 2005 report which identified progress on property, implementation planning, numbers of applicants and human resources and industrial relations issues. In line with the group's approach to phasing, the report provided indicative construction start and completion dates for the procurement of office accommodation in the new locations. The full contents of this report can be accessed at www.decentralisation.gov.ie.

The final construction dates can only be confirmed when the tender process has been completed in respect of each location and are contingent on the level and quality of market interest in respect of sites, successful negotiation of contracts, receipt of acceptable planning permissions, timely completion of briefs and successful acquisition of suitable sites. To date, property acquisition negotiations have been completed or significantly advanced in 23 locations. I understand the OPW is updating the position on the property

aspects of the programme in light of experience to date.

Garda Stations.

154. **Mr. Durkan** asked the Minister for Finance the position in regard to the provision of the proposed new Garda station at Leixlip, County Kildare; if all the investigative procedures have been concluded and complied with; if agreement has been reached with all participants; and if he will make a statement on the matter. [12754/06]

Minister of State at the Department of Finance (Mr. Parlon): An independent architectural report has just been obtained in response to the submissions received in respect of planning consultation under Part 9. It is being considered by the Office of Public Works and it is expected that a decision to proceed or not will be made in a matter of weeks.

Tax Collection.

155. **Mr. Durkan** asked the Minister for Finance the reason approximately €900 was retained by Revenue from a person (details supplied) relating to a tax issue; the further reason this person was never contacted regarding same or regarding a possible repayment plan; and if he will make a statement on the matter. [12769/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the tax retained from the taxpayer's February 2006 pension cheque was due to an unfortunate computer payroll error. The inspector of taxes was not made aware of the problem by the pension provider until 21 March 2006. The matter was immediately rectified by fax from the Office of the Inspector of Taxes. The company has since made a refund to the taxpayer of the tax overpaid in the sum of €1,177.52, dated 23 March 2006.

Port Development.

156. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources if ownership has been established regarding the area of Dublin Bay which the Dublin Port Company wishes to reclaim; and if not, the work which has been done to establish ownership. [12591/06]

157. **Mr. Callely** asked the Minister for Communications, Marine and Natural Resources the environmental impact assessments which have been carried out regarding the potential infill of 52 acres of Dublin Bay; and the results of same. [12593/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I propose to take Questions Nos. 156 and 157 together.

[Mr. Browne.]

Dublin Port Company applied in March 2002 for approval for the proposed reclamation of an area of some 21 hectares in Dublin Bay. The port company made the application under section 10 of the Foreshore Act 1933 on the basis that it owns the foreshore in question. Certain issues arose concerning the company's title to the area in question and these have been addressed in detail in correspondence between the State's legal services and the company's legal advisers. A response on the matter from the company's legal advisers is being examined by the State's legal services and I await a report.

An environmental impact statement — EIS — was submitted with the company's application and has undergone an initial evaluation by consultants engaged by the Department. It will be examined further when the legal issues concerning the foreshore in question have been resolved. Full consideration of the port company's application would also involve a process of public consultation comprising the making available of the EIS and other information concerning the application and an opportunity for interested persons or bodies to make submissions or observations on the proposal. The proposed development will also require planning permission.

Marine Safety.

158. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the number of navigational lights which are in place in Mulroy Bay; if more are to be installed; the cost incurred; if all funding has been spent; and the various Departments from which funding was granted. [12688/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Mulroy Bay is owned by Donegal County Council and responsibility for its maintenance is a matter for the local authority in the first instance. I have been informed by Donegal County Council that there are four navigation lights installed and the council has plans to install one more navigational light at Mulroy Bay.

In 2004, under the small fishery harbours programme, €18,750 was allocated for funding towards navigational aids at Mulroy Bay costing a total of €25,000. Last year I allocated funding of €30,000 towards the provision of navigation aids at Mulroy Bay costing a total of €40,000. The grant aid was provided by the Department with a 25% contribution from Donegal County Council.

Telecommunications Services.

159. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the areas in County Sligo which have broadband facilities in place; and if he will make a statement on the matter. [12781/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market regulated by the Commission for Communications Regulation, ComReg, the independent regulator.

It has been clear for some time that the sector has failed to invest at the level necessary to keep pace with the demand for broadband. For this reason, my Department's regional broadband programme is addressing the infrastructure deficit by building high speed fibre based broadband networks in association with the local and regional authorities in the major towns and cities. These metropolitan area networks — MANs — are open access fibre based trunk networks which will allow the private sector to offer world-class broadband services at competitive costs. Nineteen MANs are now completed and a further six are under construction, including the Sligo town MAN.

My Department also administers a group broadband scheme which delivers broadband to many under-served areas. Under this scheme, broadband projects have been approved for Rosses Point, Strandhill, Ballygawley and Collooney in County Sligo. These schemes are now operational and providing broadband service. My Department's website, *www.broadband.gov.ie*, gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Departmental Staff.

160. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13142/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Two employees of my Department were on suspension with pay on 31 December 2004 and 31 December 2005. It would not be appropriate to provide details of the cases concerned in view of their confidential nature.

161. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13143/06]

Minister for Foreign Affairs (Mr. D. Ahern): One member of the staff of the Department of Foreign Affairs was on suspension with pay on 31 December 2005. The officer's suspension relates

to a matter which is being investigated by the Department under the terms of the Civil Service grievance and disciplinary procedures — Department of Finance circular 1/92. No officer was on suspension with pay on 31 December 2004.

Sports Capital Programme.

162. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism the assistance which is available for a club (details supplied) to buy minimalist basic equipment to ensure the safe continuation of the club; and if he will make a statement on the matter. [12570/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November last. The closing date for receipt of applications was Friday, 20 January. All applications received before the deadline are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. An application for funding under the 2006 programme was not received from the organisation in question.

I assure the Deputy that it is my intention to announce another sports capital programme later in the year and at that stage it will be open to the club in question to apply for a grant towards equipment.

Tourism Promotion.

163. **Dr. Cowley** asked the Minister for Arts, Sport and Tourism his views, in view of the fact that the number of nights spent outside Dublin by overseas visitors has fallen by 9.2 million since 1999, that investment to increase the nation's tourism industry has to be increased evenly across the country; and if he will make a statement on the matter. [12664/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I previously advised the House, individual actions and measures relating to tourism promotion or development in so far as specific areas of the country are concerned are day-to-day functions of the State tourism agencies. The report on the Regional Spread of Tourism, published last year by the Irish Tourist Industry Confederation, outlines the variations in regional tourism performance in recent years, including a reduction of 2.5 million in the number

of bed nights spent by overseas holidaymakers in areas outside of Dublin between 1999 and 2004.

Arising from the "New Horizons" policy review, national tourism policy has seen a particular emphasis on putting measures in place to achieve a wider regional spread of tourism business. This is especially important as the increase in shorter breaks and urban tourism continues to bite in rural areas. In 2006, Fáilte Ireland will invest more than €60 million in supporting regional tourism, from local festivals to building capability and strengthening the tourism product. The authority will channel in the region of €10 million of this sum directly into the regional tourism companies to strengthen and enhance their operational and marketing capabilities this year. This investment is designed to ensure both high quality visitor servicing at key tourist information offices and also a strong overseas promotional effort.

Both Tourism Ireland and Fáilte Ireland will roll out some innovative schemes this year to heighten the regional impact of Ireland's marketing activities both nationally and overseas. The super regions initiative launched last month is one of these. The agencies will also have at their disposal an opportunities fund of €1 million to allow them to respond to regional opportunities which may arise during the course of the year and are not anticipated in current programmes. Fáilte Ireland has also announced a new €1 million local area marketing fund to support the industry in generating additional business in 2006 and 2007. In addition it has an innovation fund of about €1 million up and running whose immediate priority is to encourage innovation and investment across a range of new products, with a strong emphasis on products designed to attract and hold visitors outside the mature urban tourism areas.

Recognising the importance of home holidays at regional level, Fáilte Ireland will invest €4 million to sustain the recent remarkable growth in the home market. It also plans to advertise domestic holidays and short breaks 44 weeks a year in order to reach and stimulate the impulse market. Fáilte Ireland's website, www.ireland.ie, generated half a million direct sales leads to the tourism industry during 2005.

Furthermore, on the basis that activities and attractions — things to do and see — are central to increasing spend per visitor, Fáilte Ireland will continue to assist in product development including developing and promoting looped walks, angling, festivals, cycling routes, equestrian, golfing and water based activities. The recruitment and training of people to work in tourism remains a key issue for the industry across all regions. In response, Fáilte Ireland has decided to deliver 80 return to work programmes in 55 locations and four temporary training centres will also be set up to attract approximately 500 local people into tourism. The programmes run at these workshops have proved to be extremely popular as a means

[Mr. O'Donoghue.]

of providing training relevant to the needs of local employers.

Fáilte Ireland also recognises the particular pressures on small tourism businesses and, in response, is establishing tourism business networks in every county as a practical step to helping small businesses address their own development needs. Tourism Ireland for its part will invest an estimated €5 million in 2006 specifically to support promotion of the regions of Ireland overseas and will engage in additional, co-operative marketing with all regions. Key activities include presenting and promoting a series of all-island tourist theme trails or "Rainbow Routes" to help tourists get the most out of their visit. Themes will include music, gourmet, literature, history, Christian heritage and houses and gardens and will be cross-regional; and further promoting and supporting regional access development as well as reinvigorating the car touring sector.

As the Deputy will appreciate, visitors cannot be forced to go to a particular location against their will. The responsibility primarily lies with the individual communities and operators in the regions to present and market compelling attractions, facilities, accommodation and experiences which deliver value for money and quality service. The Deputy will be aware that the initiatives I have outlined are being undertaken against a backdrop of a restructuring and refocusing of the delivery of tourism at regional level which will effectively lead to the provision of a one-stop-shop for the tourism industry in the regions, with strong regional representation.

This revision of regional tourism structures, which I have fully endorsed, is based on the Price-WaterhouseCoopers and Travers reports on how best Fáilte Ireland might carry out its development mandate countrywide. The PWC report highlights the need for a much wider and strategic brief for regional tourism. It recommends a greatly increased emphasis on targeted marketing, product development and enterprise support and suggests establishing an integrated linkage between regional tourism strategy and national policy and exploiting avenues to leverage increased resources.

An implementation group chaired by Mr. Finbarr Flood was established to assist Fáilte Ireland in implementing the recommendations of the two reports. This group undertook an extensive process of engagement with relevant parties, including the existing regional tourism authorities and industry representative groups, to smooth the process of implementation and I understand it will submit its report to Fáilte Ireland shortly.

In tandem with this, Fáilte Ireland has begun the process of gearing up its internal structures. A new senior management position of director of regional development has been created and applications to fill the post are being processed. A due

diligence process has commenced with each of the RTAs. Fáilte Ireland expects that these changes will impact on the regions by the middle of the year.

Departmental Staff.

164. **Mr. J. O'Keeffe** asked the Minister for Arts, Sport and Tourism the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13144/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There were no employees in my Department on suspension with pay as at 31 December 2004 or 31 December 2005.

Work Permits.

165. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment the number of applications received in each of the past five years for work permits in respect of farriers from non-EU States; the number of those applications that have been successful; the number of training places that were available to farriers in each of the past five years; his plans to increase the number of such places; and if he will make a statement on the matter. [12571/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permits section of my Department will consider granting an employer a work permit for highly skilled and highly paid positions and applications in respect of farriers would have to meet that criteria. The section does not keep figures on the number of work permits issued in respect of specific employment positions at present. FÁS runs a foundation in farrier training local training initiative course at the RACE centre, Kildare town. The number of training places on this course is eight and it has been running once a year for the past three years. There are no plans to expand the number of places available. FÁS is in negotiations with the Irish Master Farriers with a view to converting the course to an apprenticeship.

Employment Rights.

166. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the mechanism available to a person (details supplied) in County Kildare to seek and obtain payments for employment; and if he will make a statement on the matter. [12572/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): It is unclear from the details supplied if the amount being claimed is an improper deduction or an underpayment. Improper deductions from wages or non-payment of wages should be referred by the employee to a rights

commissioner under the Payment of Wages Act 1991. A rights commissioner will give both employer and employee an opportunity to present any evidence relevant to the complaint and shall give a decision in writing. If the rights commissioner finds that the complaint is well founded, he or she will order the employer to pay compensation as deemed reasonable. Complaints must be presented to the rights commissioner service within six months beginning on the date of contravention or, in exceptional circumstances, such further period not exceeding six months as the rights commissioner considers reasonable.

More detailed information on the unfair dismissal legislation and copies of the relevant application form for bringing a claim to the rights commissioner may be obtained by contacting the employment rights information unit of the Department at 65a Adelaide Road, Dublin 2 or by telephoning the unit at 01 631-3131, lo-call 1890 220222, where staff would be happy to assist. The Labour Relations Commission document supplied by the Deputy has not yet been received in the Labour Relations Commission.

EU Directives.

167. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment when it is expected that the unfair commercial practices directive, which increases protection for consumers across the EU and outlaws the establishment, operation or promotion of pyramid promotional schemes and which was adopted in May 2005 will be transposed into Irish law so that its protections will be made available to consumers here. [12701/06]

168. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment when the review of the law on pyramid schemes commenced; when it is expected to be completed; and if he will make a statement on the matter. [12702/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos.167 and 168 together.

Legislation transposing the unfair commercial practices directive must be adopted by 12 June 2007 and applied by 12 December 2007. I hope to introduce a Bill in the last quarter of the year that will transpose the directive, update and consolidate the domestic legislation within its domain and establish the national consumer agency. No separate review of the legislation on pyramid schemes is in progress. The Pyramid Selling Act 1980 is being reviewed along with other relevant consumer legislation in the context of the need to adopt the unfair commercial practices directive and to ensure that our domestic legislation is in line with the provisions of the directive. This wide ranging review of a large body of consumer legis-

lation commenced in late 2004 and I expect it to be completed by the third quarter of this year.

In the meanwhile, I have instructed my officials to contact the deputy Garda commissioner responsible for the Garda Bureau of Fraud Investigation to seek his views on any difficulties being experienced under current legislation and to determine whether he has any suggestions as to how the legislation might be improved, based on his experience dealing with the sort of practices employed by the people who devise and promote such schemes

Job Creation.

169. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of jobs that have been created in County Wexford through the direct involvement of Enterprise Ireland or the IDA during the lifetime of the current Government and the previous administration. [12704/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issue of job creation in any given location by companies supported by Enterprise Ireland and IDA Ireland is a day-to-day matter for the agency concerned and not one in which I have a function. The Forfás annual employment survey is the indicator used to record jobs gained and lost in Enterprise Ireland and IDA Ireland in any one year. The survey collates data on employment at county level. The 2005 survey, which provides figures for the period 1996-2005, is now complete and will be published in the coming months.

Using the figures from the survey, indications are that the total number of full-time jobs created in client companies by Enterprise Ireland and its predecessors in County Wexford in the period 1997 to 2005 amounts to 3,173. In the case of IDA Ireland, using the figures from the Forfás employment survey for 2005, indications are that the total number of new jobs created in client companies in the period 1997 to 2005 amounts to 1,283.

Departmental Staff.

170. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment the number of State employees on suspension with pay as of 31 December 2004 and 31 December 2005; and the details of same. [13145/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): No staff of my Department were on suspension with pay on 31 December 2004 or 31 December 2005.

Social Welfare Code.

171. **Mr. Stanton** asked the Minister for Social and Family Affairs the various recommendations made in the October 1998 report, Review of the

[Mr. Stanton.]

Carer's Allowance; the recommendations which have been accepted as valid by him or his predecessors; the status of the progress made or planned for each of the recommendations so accepted; and if he will make a statement on the matter. [12624/06]

Minister for Social and Family Affairs (Mr. Brennan): As part of the expenditure review initiative, a review of the carer's allowance scheme was completed by my Department and published in October 1998. Of the main recommendations of the review, an amendment the PRSI system to preserve the carer's social insurance record while caring was implemented in April 1999. The payment of an additional annual flat rate payment to all recipients of the allowance as a contribution towards respite care was implemented in June 1999. A relaxation of the residency requirements was implemented in August 1999. A relaxation of the full-time care and attention requirements was implemented in August 1999. An extension of the scope of the scheme to allow carers of children in receipt of domiciliary care allowance to apply for the allowance was implemented in August 1999. An extension of the scope of the scheme to include care recipients between the age of 16 and 65 who are not in receipt of a qualifying payment was implemented in August 1999. An extension of the telephone allowance to all recipients of the allowance was implemented in August 1999. An amendment to the means test to give income disregards to all carers in their own right was implemented in August 1999. An extension of the household benefits package of schemes to all carer's allowance recipients was implemented in October 2000 and a carer's benefit scheme for carers was introduced in October 2000. Other issues discussed in the review include the introduction of a system of needs assessments, a new PRSI scheme for care recipients and a continual care payment.

As the Deputy is aware, the Tánaiste and Minister for Health and Children and I established the long-term care working group in January 2005 to identify the policy options for a financially sustainable system of long-term care. The issues of needs assessments and using a social insurance model to finance long-term care were considered by the group. The report of the working group is currently being considered by Government. The review group considered a proposal on the introduction of a cost of care allowance to be within the remit of the Department of Health and Children. It is similar to the requests for a cost of disability payment which the Commission on the Status of People with Disabilities recommended that the Department of Health and Children should introduce.

Supports for carers have been continually improved and extended in successive budgets

since the publication of the review of the carer's allowance. For example, in 2005, the respite care grant was extended to all carers who are providing full-time care to a person who needs such care regardless of their means. I also made provision for care sharing to be accommodated in the carer's allowance scheme.

In June, I will increase the number of hours that a carer may work while still receiving a carer's allowance, carer's benefit or respite care grant from ten to 15 hours per week. I have also extended the duration of the carer's benefit scheme from 15 months to two years. The duration of the associated carer's leave scheme is also being extended to two years. In addition, I have substantially increased the weekly rate of the carer's allowance and the level of the income disregards on the carer's allowance means test.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. I will continue to bring forward proposals that recognise the valued and valuable contribution of carers in a tangible way.

172. **Mr. Ring** asked the Minister for Social and Family Affairs the number of people currently in receipt of the living alone allowance; the weekly cost of same to his Department; and when this allowance was last increased. [12713/06]

173. **Mr. Ring** asked the Minister for Social and Family Affairs his views on increasing the living alone allowance; the estimated cost of increasing the cost of this allowance to €10 per week; and if he will make a statement on the matter. [12714/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 172 and 173 together.

The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare payments and who are living alone. It is also available to people under 66 years of age who are living alone and who receive payments under one of a number of invalidity type schemes. The allowance is intended as a contribution towards the additional costs people face when they live alone and was last increased in 1996.

The latest figures available show that 149,163 people were in receipt of the living alone allowance at the end of December 2005 at a cost of about €1.15 million per week. The cost of increasing the living alone allowance to €10 per week is estimated at €18 million per annum.

For many years, the policy on supports for pensioners has been to give priority to increasing the personal rates of pension rather than focusing on payments such as the living alone allowance. This approach ensures that resources are used to

improve the position of all pensioners. The Government is committed to increasing the basic State pension to €200 per week by 2007. Significant progress towards achieving this target was made in budget 2006, which provided for increases in pensions of up to €14 and €16 per week. The maximum rate of the old age contributory pension is now €193.30 per week with the non-contributory pension paid at €182 per week, whereas two years ago, the corresponding rates were €167.30 and €154.

Social Welfare Benefits.

174. **Mr. Durkan** asked the Minister for Social and Family Affairs when full rent support will be restored in the case of a person (details supplied) in County Kildare who has been informed that the social welfare increase in budget 2006 would result in rent support reduction; and if he will make a statement on the matter. [12733/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in decisions on individual claims.

The budget 2006 increase in one parent family payment did not lead to a reduction in the level of rent supplement payable in this case or for any other person on one-parent family payment. In response to a previous question by the Deputy on 21 March 2006, I indicated that the Health Service Executive had advised that the person concerned had been awarded a rent supplement payment of €904.50 per month based on her income from her one parent family payment and maintenance. The executive further advised that this amount was calculated following a review of her entitlement on foot of information that the person concerned was receiving weekly income by way of maintenance payments.

175. **Mr. Durkan** asked the Minister for Social and Family Affairs if rent allowance will be approved in the case of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [12735/06]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are available to eligible people through the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in determining entitlement in individual cases.

The Dublin and mid-Leinster area of the Health Service Executive has advised that it has no record of an application for rent supplement from the persons concerned. If the persons concerned wish to make a claim for rent supplement,

they should contact the community welfare officer at their local health centre so that their entitlement can be determined.

176. **Mr. Durkan** asked the Minister for Social and Family Affairs if an increase in supplementary welfare allowance will be approved in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12737/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in decisions on individual claims.

The Dublin and mid-Leinster area of the HSE has advised that the person concerned is an asylum seeker in receipt of a direct provision allowance of €19.10 granted to her when she resided at accommodation provided previously through the reception and integration agency of the Department of Justice Equality and Law Reform. The HSE has further advised that, in view of her move from direct provision accommodation, the payment of this allowance is currently under review and the executive will notify the person concerned directly of the position.

177. **Mr. Durkan** asked the Minister for Social and Family Affairs when rent allowance will be fully restored to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12740/06]

Minister for Social and Family Affairs (Mr. Brennan): In my reply to a previous Question from the Deputy on 21 March 2006, I informed him that the Health Service Executive was satisfied that the correct amount of rent supplement was payable in this case but that it was open to the person concerned to appeal the decision. The executive has now advised that an appeal to the rate of rent supplement awarded was received from the person concerned on 21 March 2006. The executive further advises that a decision on the appeal will be made in due course and the person concerned will be notified of the position.

178. **Mr. Durkan** asked the Minister for Social and Family Affairs when mortgage support was terminated without notice in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12742/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes mortgage interest supplement, is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in decisions on individual claims.

[Mr. Brennan.]

A mortgage interest supplement provides short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. The executive has advised that payment of mortgage interest supplement to the person concerned was discontinued in December 2005 on the grounds that the interest portion of the mortgage loan had been discharged. The executive further advises that the person concerned met with the local community welfare officer in the past week and has been requested to submit any documentation that would support her claim for continued payment of mortgage interest supplement.

Departmental Staff.

179. **Mr. J. O’Keeffe** asked the Minister for Social and Family Affairs the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13146/06]

Minister for Social and Family Affairs (Mr. Brennan): There were no staff in my Department on suspension with pay on 31 December 2004. One member of staff was on suspension without pay under section 13 of the Civil Service Regulation Act 1956. On 31 December 2005, three staff of the Department were on suspension without pay under the section of the Act referred to above. There were no staff members on suspension with pay on that date. A payment for the mitigation of hardship, as provided for under section 14 of the Act, is being made to one of the suspended members of staff. Two of the three cases are currently the subject of investigations under the Civil Service disciplinary code and comment would be inappropriate. There were no employees on suspension in any of the agencies under the aegis of my Department on either of the dates specified.

Road Traffic Offences.

180. **Mr. Carey** asked the Minister for Transport the legislation which governs the enforcement of measures to deal with the menace of quad bikes and motor bikes being raced in the enclosed parks in the Finglas area; and if he will make a statement on the matter. [12667/06]

Minister for Transport (Mr. Cullen): For the purposes of the Road Traffic Acts, “public place” means any public road and any street, road or other place to which the public have access with vehicles whether as of right or by permission and whether subject to or free of charge. Road traffic law does not extend to the use of mechanically propelled vehicles in private property. The Garda

Síochána, under section 20 of the Road Traffic Act 1961, can perform an examination of the roadworthiness of any vehicle being used in a public place.

Section 41 of the 1994 Road Traffic Act and the Road Traffic Act 1994 (section 41) Regulations 1995 set out the law relating to the detention of vehicles by an Garda Síochána in a public place. Three grounds are set out in these regulations and the second and third grounds expressly refer to vehicles that are registered in the State. The regulations provide for detention of vehicles where: the person driving the vehicle refuses or fails to produce there and then a driving licence then having effect and licensing him or her to drive the vehicle and the garda is of opinion that the person by reason of his or her age is ineligible to hold a driving licence to drive the vehicle; the vehicle is registered in the State and the garda reasonably believes that a policy of insurance is not in place for the vehicle; or the vehicle is registered in the State and motor tax has not been paid in respect of a continuous period of three months or more immediately prior to use.

The Road Traffic Act 2004 makes it an offence to supply a mechanically propelled vehicle to a person under 16 years of age. Mini-motorised scooters, micro-motorcycles and quadricycles come within the definition of a mechanically propelled vehicle for road traffic law purposes and that supply includes giving a gift. As a result, it is illegal to supply such a vehicle to a person under 16 years of age.

A vehicle when in use in a public place must comply with the requirements of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002 and the Road Traffic (Lighting of Vehicles) Regulations 1963 to 1996. These regulations prescribe the requirements for essential equipment, such as brakes, steering, mirrors, safety glass, wipers, headlamps, rear lighting, indicators and reflectors.

Under the Road Traffic Act 1961, as amended, a driving licence is required in order to operate a mechanically propelled vehicle in a public place. A person under 16 years may not hold a driving licence or a provisional licence. The minimum age for a driving licence for vehicles of category M, which covers mopeds and small motorcycles, is 16 years, while for a category B licence, which includes quadricycles, the minimum age is 17 years. It is a further requirement of road traffic law that to use a mechanically propelled vehicle in a public place, the driver must have third party insurance cover to meet any personal injury and property damage caused by negligent driving.

The penalties for breaches of the road traffic law in respect of the above mentioned requirements are fines not exceeding €800 in the case of a first offence, fines not exceeding €1,500 in the case of a second or subsequent offence and fines of €1,500 or terms of imprisonment not exceeding

three months or both in the case of a third or subsequent offence in a period of 12 consecutive months. A person convicted of driving without insurance incurs five penalty points on his or her driving licence.

In addition to the requirements of road traffic law, a mechanically propelled vehicle for use in a public place is required to be registered and liable to motor tax, which are matters for the Revenue Commissioners and the Minister for the Environment, Heritage and Local Government, respectively.

Port Development.

181. **Mr. Callely** asked the Minister for Transport the measures which have been taken to investigate the development of alternative ports in order to accommodate increased demand and activity in the greater Dublin area and to remove the requirement for reclamation of the Dublin Bay area. [12594/06]

Minister for Transport (Mr. Cullen): A process is currently underway in my Department to examine future port capacity requirements, particularly for unitized trade. This process arises from the Government's ports policy statement published in January 2005. The statement identified the provision of adequate port capacity as a key challenge for the future and set out a framework to ensure that capacity needs are identified, planned and progressed in a co-ordinated manner.

In September 2005, the Department appointed a firm of consultants expert in this field, Fisher Associates, to invite detailed project submissions from the commercial ports with unitized trade expansion plans and to evaluate the submissions. Fisher Associates has recently received seven submissions from ports around the country. A number of these were from ports on the east coast that currently serve the greater Dublin area. These submissions are being evaluated and it is intended to finalise the report over the coming months.

The purpose of this process is to provide reassurance to the Government that the anticipated capacity requirement for our growing economy will be met through the successful advancement and implementation by the port sector of some combination of the various proposals currently under development in the sector.

182. **Mr. Callely** asked the Minister for Transport if a map of the ownership of the land banks in Dublin Port and the Dublin Bay area will be supplied; and the areas of ambiguity regarding ownership. [12595/06]

Minister for Transport (Mr. Cullen): The ownership of land within Dublin Port's estate is

an operational matter for Dublin Port Company, a State owned company with a statutory commercial mandate. With regard to the ownership of land in general in the Dublin Bay area, the Land Registry and Registry of Deeds is responsible for the registration of property transactions in Ireland.

Road Safety.

183. **Mr. Naughten** asked the Minister for Transport the level of funding provided to each local authority to facilitate the metrification of speed limits; the budget allocated on an annual basis for the implementation of special speed limits outside schools; the funding provided to date to local authorities for this purpose; and if he will make a statement on the matter. [12596/06]

Minister for Transport (Mr. Cullen): Special funding arrangements were made from Exchequer funds for the provision of the full range of speed limit signs to implement the changeover to the metric system on 20 January 2005 as a one-off measure in view of the fact that over 59,000 signs had to be provided and installed by that date. The provision of the traffic signs required to implement the metrification of speed limits on the public road network in January 2005 was handled centrally through the National Roads Authority.

The cost of the provision and delivery of metric speed limit signs to each local authority amounted to €4.088 million. Of this sum, €1.468 million for signs on national roads was met by the National Road Authority, NRA, and €2.617 million for signs on non-national roads was met by the Department of the Environment, Heritage and Local Government. In addition, contributions were made by the NRA and the Department of the Environment, Heritage and Local Government towards local authority costs for the installation of these signs.

In the normal course of events, the provision of traffic signs on national roads is a matter for the NRA and, on non-national roads, is a matter for each road authority to fund out of their own resources supplemented by the annual discretionary maintenance and improvement grants or out of low cost safety grants allocated to the individual authorities by the Department of the Environment, Heritage and Local Government. My Department does not collate details on expenditure incurred by local authorities on special speed limit signs or any other types of traffic signs.

National Car Test.

184. **Mr. Deasy** asked the Minister for Transport if he is satisfied that the operation of the national car test complies with the competition and monopoly laws; and if he will make a statement on the matter. [12597/06]

Minister for Transport (Mr. Cullen): The contractor delivering the NCT service was selected following a full Departmental tendering process and my Department has verified that this contractor complies in full. I am therefore satisfied that the operation of the national car test complies with the competition and monopoly laws.

Taxi Regulations.

185. **Mr. Crowe** asked the Minister for Transport if he has looked into the setting up of a driving standards authority for taxi drivers. [12598/06]

Minister for Transport (Mr. Cullen): I understand the Commission for Taxi Regulation has recently published a detailed action plan for 2006 to 2007, *Driving Forward*, which sets out the changes the commission proposes to make over the next two years with regard to the control and operation of taxis, hackneys and limousines, and their drivers. I understand that among the specific proposals being developed by the commission is a new mandatory driver skills development programme for all new and existing small public service vehicle drivers. Further details are available directly from the Commission for Taxi Regulation or on their website at www.taxiregulator.ie.

Rail Network.

186. **Mr. O'Dowd** asked the Minister for Transport if he will make a statement on the progress to date in re-opening the railway station in Dunleer, County Louth. [12694/06]

Minister for Transport (Mr. Cullen): The location of stations on the rail network is a matter for Iarnród Éireann. The company informs me that it has examined the case for re-opening Dunleer station on a number of occasions in the past. A review of the Dublin suburban rail strategy, conducted on behalf of Iarnród Éireann, concluded that the station would only have very modest daily boardings given the population of the area. The case for re-opening Dunleer will be re-examined if major development takes place close to the line and funding can be provided, by developers, for the construction of the station.

Road Traffic Offences.

187. **Ms Shortall** asked the Minister for Transport the penalty that currently applies for non-display of a valid national car test certificate; the specific statutory instrument where this penalty is set out; the previous levels of this penalty since the year 2000; and the specific dates when they applied. [12718/06]

Minister for Transport (Mr. Cullen): The Road Traffic (National Car Test) Regulations 2003 require that a current test disc be displayed on

the front windscreen of a car liable to testing. The penalties for non-compliance with this requirement are covered by section 102 of the Road Traffic Act 1961 as amended by the Road Traffic (Amendment) Act 1984 as amended by the Road Traffic Act 2002.

From 2000 to 2002, the penalties were a fine not exceeding £150 in the case of a first offence, a fine not exceeding £350 in the case of a second or subsequent offence, and a fine of not exceeding £350 or to a term of imprisonment not exceeding three months or both in the case of a third or subsequent offence in a period of 12 consecutive months. These fines were increased under the Road Traffic Act 2002 to not exceeding €800 in the case of a first offence, not exceeding €1,500 in the case of a second or subsequent offence, and not exceeding €1,500 in the case of a third or subsequent offence in a period of 12 consecutive months.

Rail Services.

188. **Ms Shortall** asked the Minister for Transport if his attention has been drawn to the fact that CIE and Iarnród Éireann appear to be closing down all remaining rail freight facilities in Cork; the discussions he has had with Iarnród Éireann on this matter; and if he will make a statement on the matter. [12771/06]

Minister for Transport (Mr. Cullen): Following on from the strategic rail review the strategy of Iarnród Éireann is to develop and expand, where possible, viable rail freight business in all parts of Ireland, including Cork. Iarnród Éireann has informed me that the company currently provides a rail freight service for Irish Cement Limited transporting bulk cement from Platin in County Meath to its silo in Penrose Quay, Cork. Iarnród Éireann has also advised me that it is in discussion with third parties regarding the development of the Penrose Quay site. If agreement is reached to develop the site, and planning permission granted by Cork Corporation, the area adjacent to the passenger station would be developed initially.

I understand from Iarnród Éireann that the area where the silo is located, at the opposite end to the passenger station, will also eventually be developed. In that context Iarnród Éireann will discuss all the alternatives for the silo with their customer. Iarnród Éireann continues to pursue a policy of growing the rail freight business in areas where it holds a competitive advantage over road haulage.

Departmental Staff.

189. **Mr. J. O'Keeffe** asked the Minister for Transport the number of State employees on suspension with pay as on 31 December 2004 and 31

December 2005; and the details of same.
[13147/06]

Minister for Transport (Mr. Cullen): There are no employees in my Department on suspension with pay as of 31 December 2004 or 31 December 2005. The issue of employees on suspension with pay in the state agencies under the aegis of my Department is a day to day matter for those agencies.

Departmental Funding.

190. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications to his Department for funding (details supplied); the result of such applications; the number of successful applications; the number of applications refused; the reason for refusals; and if he will make a statement on the matter. [12650/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The details sought by the Deputy are set out in the following appendix.

Athy Applications

The Community Development Programme

Under this programme, long-term funding is provided to locally-based voluntary and community groups involved in anti-poverty and social inclusion initiatives through the Community Development Programme. Athy is one of two projects in Co. Kildare currently funded under

this Programme. Core funding to Athy Community Development Project is currently set at €111,200 for 2006. In addition to core funding, applications are invited each year from Community Development Projects for once-off grants towards limited capital costs, purchase of equipment, and towards programme activities. Decisions on such applications are taken on the basis of resources available. I can confirm that an application has been received this year from Athy CDP under the above scheme to offer development of, and training to, men's groups. This application is currently under consideration.

RAPID

The RAPID (Revitalising Areas by Planning, Investment & Development) Programme targets 45 of the most disadvantaged areas in the country. It aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within those areas, through targeting State resources available under the National Development Plan. The Programme also calls on Government Departments and State Agencies to bring about better co-ordination and closer integration in the delivery of services. Athy Town is listed as one of the smaller towns under the RAPID Programme and there is generally a whole town approach adopted for these towns in this category but with the greatest emphasis being given to areas of concentrated disadvantage within the town. Under the RAPID Leverage scheme Athy has received the following allocations.

Scheme	D/CRGA Amount	Cofunding Department Allocation	Total
	€	€	€
Playground Scheme 2004	30,000	30,000	60,000
Playground Scheme 2005	33,000	33,000	66,000
Local Authority Housing Estate Enhancement Scheme (LAHEES) 2004	20,000	24,450	44,450
LAHEES 2005/2006	45,000	55,000	100,000
LAHEES 2007/2008	45,000	55,000	100,000
Traffic Measures	22,500	22,500	45,000
Traffic Measures 2006/2007	45,000	55,000	100,000

Sports Capital Programme Top-Up Funding 2004.

RAPID Area	Project Title	D/CRGA Top-Up Funding
		€
Athy	Athy Town AFC	6,200
	Clonmullion Football Club	20,000
	St. Michael's Boxing Club	64,400

[Éamon Ó Cuív.]

Sports Capital Programme Top-Up Funding 2005

RAPID Area	Project Title	D/CRGA Top-Up Funding
		€
Athy	Athy Rowing Club	2,100
	Athy Rugby Football Club	60,000
	Athy Sports and Acrobatics Club	1,500

Health Sector Co-Fund: funded on a 50-50 basis between the Department of Community, Rural and Gaeltacht Affairs and Department of Health

and Children through the Health Service Executive, the Department approved the following allocations in 2005.

RAPID Area	Project Details	D/CRGA Allocation
Athy	St. Vincent's Hospital — materials for recreational room	28,500
	Health Centre — Create a more child and family friendly atmosphere	4,000
	Health Centre — Improve Patient Privacy	6,000

Additional Funding for RAPID Community-Based CCTV: The Community Based CCTV scheme was launched by the Department of Justice, Equality and Law Reform. Successful applicants from RAPID areas will receive additional funding towards the capital cost of the scheme from Department of Community, Rural and Gaeltacht Affairs. Athy has one project that has been recommended for funding under Stage 2 — Operation Funding of this Scheme.

The Local Development and Social Inclusion Programme (LDSIP)

LDSIP aims to counter disadvantage and to promote equality and social and economic inclusion through the provision of funding and support to local partnerships. It is administered by Pobal (formerly Area Development Management Ltd.) on behalf of the Department of Community, Rural and Gaeltacht Affairs and is funded through the National Development Plan

(NDP) 2000-2006. It is delivered at local level by 38 Partnerships, 31 Community Partnerships and 2 Employment Pacts in their designated areas

The Kildare Community Partnership (formerly Action South Kildare) covers a large portion of South Kildare including Athy. This group has been allocated an annual budget of €649,765 in 2006.

Responsibility for the Scheme of Community Support for Older People and for the Programme of Grants for Locally-Based Voluntary and Community Groups transferred to my Department in June of 2002.

A list of all groups approved for funding under these schemes from 2003 onwards is available on the website of the Department of Community, Rural and Gaeltacht Affairs.

From the details available in my Department, applications made by associations and organisations in Athy under each of these schemes is as follows:

Scheme of Community Support for Older People

Year	No. of Applications	No. of Groups Approved	Number Disallowed	Name of Group
2003	1	1	0	Athy & District Care of the Elderly
2004	1	1	0	Athy & District Care of the Elderly
2005	0	0	0	—

Programme of Grants for Locally-Based Voluntary & Community Organisations

Year	No. of Applications	No. of Applications Approved	Number of Applications Disallowed
2003	6	4	2
2004	9	8	1
2005	9	7	2

In relation to disallowances under the Programme of Grants for Locally-Based Voluntary and Community Organisations, the reasons ranged as follows:

Three of these applications were outside the remit of the Programme, and two of the applications in question were assessed against the published criteria for the scheme but were not recommended for a grant.

Dormant Accounts Fund

Decisions on the disbursements of funds from dormant accounts under the initial round of funding were a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The Board engaged Pobal (formerly Area Development Management Ltd. — ADM) to administer the initial round of funding on its behalf, which involved the disbursement of up to €60 million from the Fund.

I understand that 7 applications for funding from organisations in Athy, Co. Kildare were received by Pobal. The Board approved funding in respect of 5 of these projects totalling €321,033.00, including one application from Athy Town Council. A breakdown of these approved projects is provided in the table below. Two applications did not satisfactorily meet all the appraisal criteria and therefore were not approved for funding.

Name of Group	Grant
	€
Board of Management, Scoil Phadraig Naofa	41,000.00
Athy Youth Project	58,775.00
Athy Travellers' Support Group Ltd	50,420.00
Athy Town Council	70,838.00
Action South Kildare (on behalf of ASSET)	100,000.00

191. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs if there is funding available from his Department for youth groups and organisations; if his attention has been drawn to a group (details supplied) and the fact that the youth of Westport town have no place to meet; his views on whether this is an essential area which needs funding in many small towns across County Mayo; and if he will make a statement on the matter. [12662/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Youth groups and organisations can access funding across my Department's wide range of schemes and projects. Some youth groups in Mayo have already benefited, as indicated in the following appendix. More detailed descriptions of the programmes and schemes are available on my Department's website at www.pobail.ie.

The Community Development Programme (CDP) Under the CDP, my Department provides core funding to locally-based voluntary and community groups involved in anti-poverty and social inclusion initiatives. There are nine CDP projects across Co. Mayo, though there is none in Westport itself. These projects are based in Clare Island, Claremorris, Achill Island, Charlestown, Erris, Kiltimagh, Louisburgh, Ballina and Moygownagh. Many of these Community Development Projects include young people as a target group for their programmes. Funding of €816,500 will be allocated to these projects this year.

The Local Development and Social Inclusion Programme (LDSIP)

LDSIP is a series of measures designed to counter disadvantage and to promote equality and social and economic inclusion. This Programme is funded by my Department and managed on my Department's behalf by Pobal. Young people at risk are a target group under LDSIP. Meitheal Mhaigheo delivers LDSIP in Co. Mayo. Funding of €18,169 was allocated through Meitheal Mhaigheo to 5 projects in the Westport area last year. Two of these targeted young people, and were allocated €8,000.

Programme of Grants for Locally-Based Community and Voluntary Organisations

This programme offers three schemes of once-off grants to locally-based community and voluntary organisations, especially those addressing disadvantage in their communities. The Scheme of Equipment Grants and the Scheme of Refurbishment Grants provides essential physical supports for the local community and voluntary sector. Grants up to €10,000 are available for the purchase of equipment while grants of up to €40,000 are available for refurbishment. The Scheme of Education, Training and Research Grants is aimed at enhancing the capacity of local communities and grants of up to €10,000 are available towards education, training and research proposals.

Gaeltacht areas

In regard to Gaeltacht areas generally, the position is that Údarás na Gaeltachta has played a role in promoting youth activities for many years. Such activities have normally centred on Clubanna Óige (Youth Clubs) with emphasis on social and cultural activities. In the past year Údarás has taken this matter a step further with the establishment of Óige na Gaeltachta Teo., an independent company funded by Údarás and administered by youth leaders with a mandate to promote youth centred activities in the Gaeltacht. In regard to the County Mayo Gaeltacht specifically, Tuar Mhic Éadaigh and Acaill in particular, Údarás is involved in many youth based activities, including the establishment of new youth clubs, drama groups, language promotion and after school activities.

[Éamon Ó Cuív.]

Dormant Accounts

Details were announced on 4th January 2006 concerning the allocation of €24 million in 2006 from the Dormant Accounts Fund for the purpose of supporting programmes and types of projects tackling economic and social disadvantage. Details of the announcement are available on the website of my Department. Among the funding measures proposed is one to provide once-off small scale equipment grants for youth groups with a particular focus on disadvantaged and marginal groups. The specific operational arrangements for this funding measure are currently being developed and it will be rolled out when these arrangements have been finalised.

Young Peoples Facilities & Services Fund (YPFSF)

The Young Peoples Facilities & Services Fund (YPFSF) was established in 1998 to assist in the development of facilities — including sport and recreational facilities — and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. To date, the main focus of the Fund has been in the 14 Local Drugs Task Force (LDTF) areas, which were established in the areas experiencing the worst levels of drug misuse, particularly heroin. However, recognising that the drug problem is not confined to LDTF areas, funding was also allocated to four other urban areas — Galway, Limerick, Waterford and Carlow. Approx. €99 million has been allocated to support over 450 facility and services projects in LDTF areas and the four other urban centres under the YPFSF. Many of the projects for which funding has been allocated to date are also located in RAPID areas. There are no plans at present to extend the YPFSF beyond the areas outlined above.

Community Development.

192. **Mr. Bruton** asked the Minister for Community, Rural and Gaeltacht Affairs if he has schemes through which a plan could be developed to take over a swimming pool which has been an enormous asset to the community, but in which the religious order which own it wish to divest their interest, with the possible participation in that plan of local swimming pool clubs, local schools and the local authority (details supplied). [12759/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department has no such scheme to facilitate a plan to divest a swimming pool by the religious authorities, as detailed by the Deputy.

Departmental Staff.

193. **Mr. J. O’Keeffe** asked the Minister for

Community, Rural and Gaeltacht Affairs the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13148/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): There were no such cases within my area of responsibility.

Milk Quota.

194. **Mr. N. O’Keeffe** asked the Minister for Agriculture and Food the owner of milk quotas allocated to farmers who qualified under the reserve; and if these farmers have the right to retain the quotas indefinitely. [12587/06]

Minister for Agriculture and Food (Mary Coughlan): The allocation of milk quota from the national reserve to dairy producers is made subject to the provision that it is only available to recipients while they remain in milk production. In general, such quota cannot be sold with land or without land by the person to whom it was allocated. Where a producer who has received an allocation from the national reserve ceases milk production, that allocation is returned to the reserve. However, if a farmer transfers his own milk quota to a family member, any allocations from the national reserve are reallocated to that family member while that person remains in milk production.

Grant Payments.

195. **Mr. Perry** asked the Minister for Agriculture and Food the reason a person (details supplied) has not received their dairy premium; when same will be released; and if she will make a statement on the matter. [12589/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 12 May 2005. He also submitted a private contract clause application seeking to have entitlements transferred to him by way of a lease agreement. This application was successfully processed and the land and entitlements have been transferred. The single payment application of the person named is now being further processed, with a view to payment at an early date.

196. **Mr. Walsh** asked the Minister for Agriculture and Food if payment of the single farm payment will be arranged for a person (details supplied) in County Cork. [12652/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 13 May 2005. Following initial pro-

cessing of the application, certain issues were highlighted which were required to be resolved before payment could be made. Officials of my Department have been in direct contact with the person named on numerous occasions in an effort to resolve these issues, most recently by letter dated 1 March 2006, a reply to which is still awaited. Immediately on satisfactory resolution of the outstanding issues, the application of the person named will be further processed, with a view to payment as soon as possible.

197. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding an application for the dairy premium in the name of a person (details supplied) in County Clare; and if she will make a statement on the matter. [12663/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 14 May 2005. Payment in respect of transferred entitlements issued to him on 18 January 2006 and arrangements are being made to have the decoupled dairy premium element of the single payment issued shortly.

198. **Mr. Kehoe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Wexford is losing part of their single farm payment; the appeal mechanism which is available to them; and if she will make a statement on the matter. [12706/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for the transfer of entitlements under the single payment scheme by way of inheritance or gift. The applicant has been notified that his application was successful. The outstanding payment will issue to the named person shortly. Applicants dissatisfied with my Department's decisions in respect of the establishment or transfer of entitlements under the single payment scheme are entitled to appeal the decisions to the single payment appeals committee.

199. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Cork has not received payment under the EU single farm payment scheme. [12708/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted a private contract clause application form under the single payment scheme 2005 to lease his lands and entitlements to a third party. This application was successfully processed and the entitlements have been transferred to the lessee. As a result of the transfer, the person named now holds no

entitlements and declared no lands in 2005. Therefore he is not entitled to payment under the single payment scheme.

200. **Mr. Deenihan** asked the Minister for Agriculture and Food when a dairy premium under the single payment scheme will be awarded to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [12779/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 14 May 2005. Payment in respect of transferred entitlements issued to him on 6 January 2006 and arrangements are being made to have the decoupled dairy premium element of the single payment issued shortly.

201. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food when payment of the EU farm single payment scheme will issue to a person (details supplied) in County Cork. [12780/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 15 May 2005. The applicant applied to have his entitlements consolidated under the consolidation measure of the scheme on 19 September 2005. The processing of the consolidation application required the case to be dealt with through the inheritance measure of the single payment scheme. This processing is now completed and arrangements are in place to issue payment amounting to €9,392.48 shortly.

Departmental Staff.

202. **Mr. J. O'Keeffe** asked the Minister for Agriculture and Food the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13149/06]

Minister for Agriculture and Food (Mary Coughlan): As on 31 December 2004 there were three officers suspended from duty who were being paid within the provisions of the appropriate regulations. One of these officers was dismissed by the Government in October 2005. On 31 December 2005 the other two officers were the only officers suspended and being paid within the provisions of the appropriate regulations.

Garda Stations.

203. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform his proposals for the construction of a new Garda station to be located in the Knocklyon area in Dublin; his further pro-

[Mr. Bruton.]

posals for the construction of a new Garda station in any other part of south Dublin. [12599/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I have been informed by the Garda authorities that there are no plans for the construction of a new Garda station in the Knocklyon area of County Dublin. As part of the ongoing Garda building programme the position with regard to Garda stations in south County Dublin is as follows: at Dundrum, the Office of Public Works is seeking a site to construct a new Garda station; at Kill O' the Grange, a revised sketch scheme is awaited from the OPW and it is hoped that construction work will commence before the end of the year; at Dún Laoghaire, the accommodation requirements are to be revised by the Garda authorities in light of the new station being constructed in Kill O' the Grange; at Irishtown, tender documents for the construction of a new Garda station are being prepared by the OPW and work is expected to commence soon; at Kevin Street, there are plans to construct a divisional headquarters station; and at Tallaght, there are plans to build a new divisional headquarters station on the site of the existing station

Station	2000	2001	2002	2003	2004	20/03/06
Rathfarnham	63	67	74	71	76	71
Dundrum	53	62	69	65	68	75
Donnybrook	120	116	114	123	125	124

The number of community gardaí, all ranks, stationed in the Rathfarnham, Dundrum and Donnybrook Garda stations from 31 December

Station	2000	2001	2002	2003	2004	2005
Rathfarnham	3	4	4	5	5	6
Dundrum	4	3	4	6	6	5
Donnybrook	3	3	3	4	5	4

The division's resources are further augmented by a number of Garda national units such as the Garda national immigration bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

It is the responsibility of Garda management to allocate personnel among and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. The Garda authorities state that personnel assignments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum

and the OPW has been asked to prepare a sketch scheme.

Garda Strength.

204. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Garda stations (details supplied) for each of the years ending 31 December 2000, 2001, 2002, 2003, 2004 and 2005; and the number of community guards with regard to each station in each year. [12600/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743 or 16.3% in the personnel strength of the Garda Síochána during that period. I have been further informed that the number of gardaí, all ranks, stationed in the Rathfarnham, Dundrum and Donnybrook Garda stations from 31 December 2000-04, inclusive, and as at 20 March 2006 was as set out in the following table.

2000-05, inclusive, was as set out in the following table:

use is made of Garda resources, and that the best possible Garda service is provided to the general public.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda

College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Garda stations referred to by the Deputy will be fully considered within the overall context of the needs of Garda stations throughout the country.

Vehicle Sales.

205. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the practice by the SIMI by which they exclude the courts from having jurisdiction in disputes pertaining to motor vehicles; if, in the circumstances, in view of the fact that there are specific implied conditions on the sale of motor vehicles imposed on the industry by section 13 of the Sale of Goods and Supply of Services Act 1980, his views on whether this is an unfair practice against consumers; and if he will make a statement on the matter. [12601/06]

206. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that if a person goes to arbitration in a dispute pertaining to the SIMI and motor vehicles, there is no right of appeal on the facts from the decision of the arbitrator; and if he will make a statement on the matter. [12602/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 205 and 206 together.

As a general principle, the law of arbitration is concerned with procedures for deciding disputes outside the ordinary courts system. It is an essential characteristic of the arbitration process, in this jurisdiction as in others, that the decision of the arbitrator is intended to be final and binding upon the parties. This does not, however, preclude a limited supervisory role for the courts in certain circumstances. Matters relating to the Sale of Goods and Supply of Services Act 1980 come within the remit of my colleague the Minister for Enterprise, Trade and Employment.

Garda Strength.

207. **Mr. Ardagh** asked the Minister for Justice, Equality and Law Reform the strength of the Garda in Ballyfermot; and the proposals the Garda Commissioner has for increasing the complement (details supplied). [12603/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period.

I have been further informed that the personnel strength, all ranks, of Ballyfermot Garda station as at 31 December 1997 and 28 February 2006 was 72 and 81, respectively. This represents an increase of 9, or 12.5%, in the number of Garda personnel allocated to Ballyfermot Garda station during that period. In addition, the policing of the Ballyfermot sub-district is further augmented by additional patrols by gardaí from the divisional crime task force, the divisional traffic unit and the district unit as part of their regular duties.

It is the responsibility of Garda management to allocate personnel among and within Divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. The Garda authorities state that personnel assignments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved. As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Ballyfermot Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

208. **Mr. Ferris** asked the Minister for Justice, Equality and Law Reform the number of extra or new gardaí that have been deployed in the Tralee, Listowel and Castleisland divisions since 2002; and the comparative figures covering those years. [12604/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume that the Deputy is referring to the Tralee, Listowel and Castleisland Garda districts which form part of the Kerry division. I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period. The combined personnel strength of Tralee, Listowel and Castleisland Garda stations on 20 March 2006 was 128, compared to 106 in June 1997. This represents an increase of 22, or 20.75%, over the June 1997 figures.

I have been further informed by the Garda authorities that the number of gardaí, all ranks, allocated to the Tralee, Listowel and Castleisland Garda districts from 31 December 2002-04, inclusive, and as at 20 March 2006 was as set out in the following table:

Division	2002	2003	2004	20/3/06
Tralee	86	83	83	89
Listowel	31	30	30	30
Castleisland	9	10	10	9

The division's resources are further augmented by a number of Garda national units such as the Garda national immigration bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

It is the responsibility of Garda management to allocate personnel among and within Divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. The Garda authorities state that personnel assignments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased

increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the Garda districts referred to by the Deputy will be fully considered within the overall context of the needs of Garda districts throughout the country.

209. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed at Clontarf, Coolock, Santry and Raheny stations in 2005; and the numbers in 2006. [12605/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period.

I have been further informed that the number of gardaí, all ranks, stationed at Clontarf, Coolock, Santry and Raheny Garda stations as at 31 December 2005 and 29 March 2006 was as set out in the following table:

Station	31/12/05	29/03/06
Clontarf	63	64
Coolock	88	92
Santry	119	121
Raheny	59	63

Therefore, the total number of gardaí assigned to these stations as of 29 March 2006 was 340. This compares to a total of 291 gardaí serving in these stations in June 1997. This is an increase of 17% from when I took up office in 2002. The division's resources are further augmented by a number of Garda national units such as the Garda national immigration bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

It is the responsibility of Garda management to allocate personnel among and within divisions on

a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs. The Garda authorities state that personnel assignments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources and in this context the needs of the Garda stations referred to by the Deputy will be fully considered within the overall context of the needs of Garda stations throughout the country.

Departmental Funding.

210. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that his Minister of State told the Fathers for Justice group that it would receive essential funding in January 2006; if his attention has been drawn to the fact that cross-party TDs constantly send constituents to this group which is finding it impossible to provide the essential service without funding; and if he will make a statement on the matter. [12666/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My information from the Minister of State is that he made no such commitment to this group. As indicated in my response to Parliamentary Question No. 160 of 9 March 2006, there are no moneys available in my Department out of which funding can be made available to the group.

Road Traffic Offences.

211. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the measures which can be taken and are being taken by the Garda Síochána in the Finglas area to deal with the menace of quad bikes and motor bikes being raced in the enclosed parks in the area; and if he will make a statement on the matter. [12667/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that gardaí in Finglas are aware of the problems caused by quad and motor bikes being driven in enclosed parks in that area. A number of initiatives have commenced in the division which utilise the services of the Garda air support unit, the divisional task force, traffic units and district community policing personnel. These initiatives target the public parks in the district, and have resulted in a number of such vehicles being seized by members of the Garda Síochána. Such initiatives will continue to be implemented on a regular basis by local Garda management.

Visa Applications.

212. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if there are circumstances whereby a person (details supplied) would be given a student visa to study English here; and if he will make a statement on the matter. [12668/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The requirements for issue of a study visa can be found on my Department's website at www.justice.ie. The guidelines are intended to assist frequent and high volume users of the student visa scheme. The principal criteria applied are that the prospective student should have enrolled in a full-time course of study which requires physical daytime attendance of at least 15 hours a week, should have paid the fees for the course, should have evidence of sufficient funds to fully support themselves during their stay in the State and should be able to show that they will leave the State and return home on completion of their course of studies. There is no application on record in respect of the person in question.

213. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 682 of 21 March 2006, the status of an appeal application for a person (details supplied) in County Clare; and if he will make a statement on the matter. [12691/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The appeal referred to by the Deputy was received in the visa office in New Delhi on 27 March 2006. The appeal is currently awaiting examination by a visa appeals officer and a decision is expected in the near future.

Garda Deployment.

214. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the plans for a 24-hour Garda station in Carndonagh in north Inishowen, County Donegal; and if he will make a statement on the matter. [12698/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that at present Carndonagh Garda station is a sub-district station of the Buncrana district and does not operate on a 24-hour basis.

I am further informed by Garda management that the establishment of a rural community policing initiative in north Inishowen is currently being examined. The proposed administrative headquarters for this initiative is Carndonagh Garda station. It is anticipated that this initiative would also provide 24-hour cover for the north Inishowen area.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved. As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda college during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of the north Inishowen area will be fully considered within the overall context of the needs of Garda areas throughout the country.

Judicial Appointments.

215. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of judges of the Supreme Court, High Court, Circuit Court and District Court; and the number of those who, immediately before appointment, were solicitors and barristers in respect of each court. [12700/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Supreme Court consists of the Chief Justice and seven ordinary judges, together with the President of the High Court as an *ex-officio* member. The statutory maximum

number may be exceeded by one when a judge of the Supreme Court is serving as President of the Law Reform Commission, as is currently the case. All of the judges of the Supreme Court were barristers immediately prior to their appointment to judicial office.

The High Court consists of the President and 31 ordinary judges, together with the Chief Justice and the President of the Circuit Court as *ex-officio* members. The statutory maximum number may be exceeded by one when a judge of the High Court is serving on the Garda Síochána Ombudsman Commission or when a judge of the High Court, who previously served as President of the Law Reform Commission, returns to the court. Both conditions are currently satisfied and, accordingly, the statutory maximum number may be exceeded by two. Of the 31 judges who have been appointed to the High Court, one was a solicitor at the time of his appointment to judicial office while 30 were barristers.

The Circuit Court consists of a President and 33 ordinary judges. The President of the District Court is an *ex-officio* member. The number of judges who have been appointed to the Circuit Court is 33, of whom eight were solicitors prior to their appointment to judicial office and 25 were barristers. The District Court consists of the President and 54 ordinary judges. Of the 55 judges appointed to the court, 46 were solicitors immediately before their appointment, while nine were barristers.

Road Traffic Offences.

216. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the number of prosecutions in each of the years from 2000 to the present for a breach of an article of SI 395 of 1999; the amount accruing to the State in each of the years since and including 2000 arising from penalties imposed due to such breaches; and the Garda enforcement levels of this provision of road traffic law. [12717/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Road Traffic (National Car Test) Regulations, 1999, SI 395 of 1999, which came into force on 4 January 2000, introduced the offences of use of a vehicle without a national car test certificate, failure to produce a national car test certificate and not having a valid national car test certificate displayed. I have made inquiries with the Garda authorities and have been informed that the number of breaches of the regulations are as set out in the table below. I am informed by the Garda authorities that the figures for 2000 are not readily available as PULSE electronic recording of summons only commenced during 2000.

Number of Proceedings for Breaches of the Road Traffic (National Car Test) Regulations 1999

Year	Proceedings
2001	98
2002	2,871
2003	8,503
2004	11,421
2005*	16,801
2006* (to 28 March)	2,120

* Figures for 2005, and 2006 are provisional, operational and liable to change.

Penalties for offences under the regulations are imposed by the courts. The Courts Service is an independent agency set up under the Courts Service Act, 1998, with direct responsibility for the day to day management of the courts, including the processing of penalties. Under the Act, the provision of information on the courts system, including information on the amount accruing to the State from penalties, is a matter for the Courts Service.

Sexual Offences.

217. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the reason no action was taken following a report of alleged sexual abuse, reported by or on behalf of a person (details supplied) in County Kildare in 1996 and on subsequent occasions since; and if he will make a statement on the matter. [12728/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a report from the Garda authorities in respect of the matters concerned and I will revert to the Deputy when this report is to hand.

Citizenship Applications.

218. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the procedure to be followed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [12729/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister for Justice, Equality and Law Reform may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. Those conditions are that the applicant must be of full age, or by way of exception, be a minor born in the State; be of good character; have had a period of one year's continuous residency in the State immediately before the date of the application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years; intend in good faith to continue to reside in the State after

naturalisation; have made, either before a judge of the District Court in open court or in such a manner as the Minister, for special reasons allows, a declaration in the prescribed manner of fidelity to the nation and loyalty to the State.

In the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1996.

The person in question arrived in the State in November 1999 and claimed asylum. She later withdrew that application and was granted permission in January 2002 to remain in the State on foot of her parentage of an Irish born child. She applied for a certificate of naturalisation in October 2004. I decided to refuse the application on 7 March 2006 on the basis that the person in question did not meet the statutory residency criteria and that it was not a case where I considered it appropriate to exercise my absolute discretion to waive the residency requirement. The person in question was notified of my decision and the reasons for that decision on 13 March 2006.

The person concerned will meet the statutory residency criteria in January 2007, provided that she has maintained her permission to remain without any gaps since January 2002 and continues to do so until January 2007.

Asylum Applications.

219. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal were fully conversant with the personal circumstances, persecution, torture or possible threat to life in the event of deportation to their homeland in the case of persons (details supplied) in County Dublin; his likely response in the event of misadventure after deportation; and if he will make a statement on the matter. [12730/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the replies I gave to parliamentary questions concerning this couple, specifically Parliamentary Question No. 155 on 26 January 2006 and Parliamentary Question No. 191 on 9 March 2006 concerning the husband together with Parliamentary Question No. 185 on 9 March 2006 concerning the wife.

There is a statutory framework governing the asylum determination process in Ireland set out in the Refugee Act 1996. The 1996 Act established two independent statutory offices to consider applications and appeals in respect of refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These

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offices are the Refugee Applications Commissioner, ORAC, and the Refugee Appeals Tribunal, RAT.

The processing of applications within the framework of the 1996 Act, in particular has due regard to the definition of a “refugee” in section 2 of that Act, which states that a “refugee” is: “a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”

Every asylum applicant is guaranteed an investigation and determination of his or her claim at first instance by the Refugee Applications Commissioner. Each application is assessed on the basis of the circumstances of the individual case and having regard to both the subjective elements, the applicant’s own account or personal history, and objective elements, up-to-date information on the applicant’s country or place of origin. This country of origin information comes from a wide variety of sources, including organisations such as the UNHCR, Amnesty International, Human Rights Watch, UK Home Office, Canadian International Refugee Board, US State Department and other EU member states as well as media and Internet sources.

ORAC and RAT also consider how well-founded each individual applicant’s claim is and whether there are sufficient facts to permit the finding that, if returned to his or her country of origin, the applicant would face a serious risk of persecution. Credibility is also central to assessing an application, and it falls to the ORAC and RAT to decide whether the applicant’s account is credible and whether they have a well-founded fear of persecution. Issues of relevance in assessing credibility include contradictions and inconsistencies, the plausibility of the applicant and the level of detail in the claim. A negative finding as to overall credibility will generally lead to a conclusion that the applicant does not qualify for protection.

There must also be a link between the persecution as alleged and one or more of the grounds set out in both the 1996 Act and the 1951 Geneva Convention relating to the status of refugees, namely, being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Our system also guarantees every asylum applicant a right of appeal to a statutorily independent and separate body, the Refugee Appeals Tribunal. Every asylum applicant is also guaranteed access to legal assistance provided by the refugee legal service.

The Deputy should also be aware that the UNHCR is given full access to our refugee determination process and can examine any case at any time to ensure fair procedures and compliance with our Geneva Convention obligations. The persons concerned arrived in the State on 1 July 2005 and 7 March 2005, respectively, and applied for asylum. Their applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

The persons concerned were informed, by letters dated 16 January 2006 and 27 September 2005 respectively, that the Minister proposed to make deportation orders in respect of them and afforded them three options under section 3(3)(b)(ii) of the Immigration Act 1999, as amended, namely to leave the State voluntarily, to consent to the making of deportation orders or to submit, within 15 working days, written representations setting out the reasons why they should be allowed to remain temporarily in the State.

Their cases were examined under section 3(6) of the Immigration Act 1999, as amended, including consideration of representations for temporary leave to remain in the State lodged on their behalf by their legal representatives. In addition to the 11 factors contained in section 3(6) of the Immigration Act 1999, as amended, I must also have regard for section 5 of the Refugee Act 1996, as amended, on the prohibition of refoulement before signing a deportation order. This means in essence that the safety of returning a person to their country of origin, or refoulement as it is referred to, is fully considered in every case when deciding whether or not to make a deportation order. Refoulement means that a person shall not be expelled from the State or returned in any manner whatsoever to a State where, in my opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. My Department uses extensive country of origin information drawn from different independent sources, including the United Nations High Commission for Refugees, UNHCR, in evaluating, in each individual case, the safety of making returns to Nigeria, as is the case here, and other third countries.

On 27 February 2006, I signed deportation orders in respect of the persons concerned. Notice of the deportation orders was served by registered post requiring the couple to present themselves to the Garda National Immigration Bureau, GNIB, on Thursday, 9 March 2006 in order to make arrangements for their deportation from the State. The persons concerned failed to present themselves as required and were thus classified as evading their deportation. They should present themselves to the GNIB without delay. The effect of the deportation orders is that

the persons concerned must leave the State and remain thereafter out of the State. The enforcement of the deportation orders remains an operational matter for the GNIB.

Visa Applications.

220. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if he will reconsider the application for family reunification in the case of a person (details supplied) in Dublin 20; and if he will make a statement on the matter. [12731/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person who is the subject of this question made an application for family reunification in respect of family members in April 2002. The application was refused on 5 June 2003. Following a re-examination of the application, it was noted that the person concerned was naturalised in July 2001 and became an Irish citizen at that time. Under section 18 of the Refugee Act 1996 only refugees may apply to have family members join them in the State. The legal representative of the person concerned was informed of this on 14 March 2005. It is open to the family members of the person concerned to make visa applications to their nearest Irish embassy outlining the purpose and intended duration of their visit to the State.

Citizenship Applications.

221. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residential status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [12732/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 216 of 2 March 2006 in this matter. The position remains that the person concerned made an application for permission to remain in Ireland on the basis of being the parent of an Irish citizen child, born before 1 January 2005, under the revised arrangements announced by me on the 15 of January 2005. The application, which was submitted in March 2005, is still under consideration and I will notify the Deputy when a decision has been reached, which is expected to be made in the near future.

222. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if it is his policy to treat both parents of Irish born nationals who themselves are foreign nationals in an equal way when deciding on residency here; and if he will make a statement on the matter. [12777/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I take it that the Deputy is referring to is the conditions under which the non-EEA national parents of children born in

Ireland prior to 1 January 2005 are granted residency in the State. The Deputy will be aware that children born to foreign national parents on or after 1 January 2005 are not automatically entitled to Irish citizenship.

I announced details of new arrangements to deal with the outstanding claims to reside in the State on the basis of the parentage of an Irish born child on the 15 January 2005. Under the IBC/05 scheme applications were accepted from the non-national parents of Irish born children who wished to remain in this State. Almost 17,000 people were granted permission to remain in Ireland under the terms of this scheme. The two parents of an individual child are treated equally in so far as they both satisfied the terms of the scheme in regard to residence in the State and are both active in the family unit.

Garda Investigations.

223. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a plan to deal with anti-social behaviour at a location (details supplied) in Dublin 17 will be put in place; and if assistance will be given to the person. [12778/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a report from the Garda authorities in respect of the matters concerned and I will revert to the Deputy when this report is to hand.

School Absenteeism.

224. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the progress that has taken place in the case of two juveniles, out of school and home without permission, one under the influence of an older person; if contact has been made by his Department with the objective of co-ordinating efforts to deal with the issue; and if he will make a statement on the matter. [12789/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I stated in my reply to Parliamentary Question No.197 of 9 March 2006 matters relating to school attendance and child care and protection issues are the responsibility of the Ministers for Education and Science and Health and Children respectively. However I requested a report from the Garda authorities in respect of the persons concerned. I have now been informed by the Garda authorities that it would not be appropriate for them to comment on the persons concerned as they are juveniles.

Departmental Staff.

225. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of State employees on suspension with pay as on 31

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December 2004 and 31 December 2005; and the details of same. [13150/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are approximately 22,000 staff, including gardaí, prison officers, courts staff, departmental headquarter staff and Land Registry officials on the payroll of the Department of Justice, Equality and Law Reform. On 31 December 2004 30 staff were on suspension with pay. On 31 December 2005 the figure was 36. These figures amount to 0.13% and 0.16% of total staff respectively. The Deputy may wish to note that provision is made in section 14(4)(b) of the Civil Service Regulation Act 1956 for payment of a proportion of salary in circumstances where the loss of salary while suspended pending the outcome of an investigation is creating undue financial hardship.

Special Educational Needs.

226. **Mr. Bruton** asked the Minister for Education and Science the existing services that are available for second level education for children with Asperger’s on Dublin’s northside; her plans for the further development of this service; the resources and supports available at a school (details supplied); and the potential for further development at this school. [12579/06]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second level schools to enable them to cater for pupils with special educational needs including pupils with Asperger’s syndrome. The supports in question include remedial and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment.

The precise model of provision made available will depend on the assessed needs of the pupils involved. Some students are capable of attending ordinary classes on an integrated basis with resource teacher and-or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil teacher ratios.

My Department also supports arrangements whereby students attached to these special classes are facilitated in attending ordinary subject classes on an integrated basis wherever possible. In the case of the school in question, my Department has allocated one whole-time equivalent teaching post and two special needs assistant posts to cater for the special educational needs of pupils enrolled in the school’s unit for pupils with Asperger’s syndrome.

With effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over key functions from my Department in

relation to special educational provision. The NCSE was formally established as an independent statutory body on 1 October 2005 under the Education for Persons with Special Educational Needs Act 2005. The council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities or special needs.

The NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related support services to children with disabilities or special needs. The responsibilities of the NCSE deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level, deciding on applications for special needs assistant, SNA, hours and processing applications for school placement in respect of children with disabilities with special education needs.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

In addition, my Department’s teacher education section has developed a strategy designed to meet the continuing professional development needs of personnel working with children with special educational needs. This involves a major expansion of the range of post graduate professional training programmes available to teachers in the special needs area and the ongoing development of the special education support service, SESS, to support schools staff locally.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it.

Psychological Service.

227. **Mr. Perry** asked the Minister for Education and Science if she will waive the fees for the psychological educational assessment report on a person (details supplied) in County Sligo in view of the fact that they need extra help with their education; and if she will make a statement on the matter. [12580/06]

Minister for Education and Science (Ms Hanafin): I understand from my Department’s National Educational Psychological Service, NEPS, that the school in question is assigned a NEPS psychologist but that the school has not

prioritised the pupil in question for assessment. The NEPS psychologist will be happy to discuss the pupil's needs if prioritised by the school for consultation.

There is no charge for a consultation with NEPS or for an assessment carried out by a NEPS psychologist. Unfortunately, my Department is not in a position to reimburse parents for expenditure incurred in respect of assessments arranged privately.

School Accommodation.

228. **Mr. McEntee** asked the Minister for Education and Science her proposals for the replacement of dilapidated prefabricated classrooms at a school (details supplied) in County Meath. [12581/06]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of an application for both additional temporary accommodation and the replacement of existing prefab accommodation from the school to which the Deputy refers. The application is currently under consideration in the school planning of my Department. Contact will be made directly with the school authority as soon as a decision is made.

229. **Mr. McEntee** asked the Minister for Education and Science her proposals for the provision of appropriate physical education facilities, canteen facilities and extra classrooms to meet the critical needs of a school (details supplied) in County Meath; and if she will make a statement on the matter. [12582/06]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of an application for capital funding from the school to which the Deputy refers. However, this application refers to the provision of a physical education hall only. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects. It has been assigned a band four rating. Progress on the project is being considered in the context of the school building and modernisation programme from 2006 onwards.

Special Educational Needs.

230. **Mr. Kehoe** asked the Minister for Education and Science the position regarding an application for a special needs assistant and additional resource hours for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [12583/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education, NCSE, which was established recently, and which has been operational since 1 January 2005, is responsible for processing applications for special educational

needs, SEN, supports. In this case, an application for resource teaching and special needs assistant, SNA, support was made to the relevant special educational needs organiser, SENO, of the NCSE. The application in question did not meet the criteria for resource teaching and SNA support and this decision was conveyed to the school authorities by the SENO.

231. **Mr. Kehoe** asked the Minister for Education and Science the position regarding an application for a special needs assistant for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [12584/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education, NCSE, is operational since 1 January 2005, and is responsible for processing applications for special educational needs supports. I am advised by the NCSE that the local special educational needs organiser, SENO, an officer of the NCSE, has not yet received an application for resources for the child in question. The relevant school may apply to the local SENO for resources as appropriate and the matter will be considered.

Departmental Programmes.

232. **Mr. Neville** asked the Minister for Education and Science the number of schools in County Limerick which have been invited to participate in the new school support programme. [12585/06]

Minister for Education and Science (Ms Hanafin): Some 840 schools have been invited to participate in the new school support programme under DEIS, delivering equality of opportunity in schools, the new action plan. These comprise 640 primary schools, 320 urban or town schools and 320 rural schools and 200 second-level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006. Some 22 primary schools, 18 urban or town, four rural, and 11 second level schools in County Limerick have been invited to participate in the new school support programme.

Pupil-Teacher Ratio.

233. **Mr. Neville** asked the Minister for Education and Science the number of children in primary schools in County Limerick in class sizes of between 25-30 and in classes of over 30 students. [12586/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the average class nationally in 2004-05, the latest year for which data are available, was 23.9. The average class size in both Limerick city and Limerick

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county were below the national average in that year. Both areas have also benefitted from a significant drop in average class size as a result of the extra teachers that have been put in place in our primary schools by this Government.

The average class size in Limerick City in 2004-05 was 22.4, down from 27.1 in 1996-97. In Limerick county the average class size in 2004-05 was 23.7, down from 25.9 in 1996-97. The number of children in classes of over 30 has also been dramatically reduced in both Limerick city and county and indeed has almost halved in the city under this Government.

Mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, which is issued annually to all primary schools. The general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Of course, schools with only one or two teachers have much lower staffing ratios than that with two teachers for just 12 pupils in some cases but the general rule is that there is at least one classroom teacher for every 29 children in the school.

Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. It should also be noted that the average class size in the 30-35 group nationally was 32 in 2004-05.

At the time of the 2006 Estimates, I announced that this general rule of providing at least one teacher for every 29 pupils, would be improved to provide in general that there would be at least one classroom teacher for every 28 children in the 2006-07 school year and at least one classroom teacher for every 27 children in the 2007-08 school year.

As explained above, even with the fact that all schools are staffed at present on the basis of a general rule of at least one classroom teacher for every 29 pupils, some schools will end up with more than 30 pupils in a class. The data available to my Department show that in 2004-05, 4416 pupils in Limerick county were in classes of 25-29 and 3,198 pupils were in classes of 30 or more. The average class size in the county was 23.7.

This Government's commitment to improving the staffing in our primary schools has been unprecedented. We have put over 5,000 more primary teachers in our schools in the last few years. These have been targeted at pupils with special needs and those from disadvantaged areas to ensure that they are getting the extra help that they need to reach their potential. This has resulted in a major improvement in the pupil-teacher ratio, which counts all the teachers in a school, including special needs teachers and school principals. In 1997 the pupil:teacher ratio was 22:1, meaning that there was one teacher for

every 22 primary school children in our schools. By 2004-05 we had reduced this to 17:1, or one teacher for every 17 pupils.

Significantly smaller class sizes have been introduced in disadvantaged schools involved in the giving children an even break programme and the breaking the cycle programme, with approximately 47,700 pupils in 243 participating schools availing of reduced class sizes of either 15 or 20 pupils per class. Under the new action plan for tackling disadvantage published last May, more children in disadvantaged schools will be in smaller classes in the current school year. With the more than 600 extra resource teachers put in place this school year, children with special needs are getting more support than ever before.

In speaking about staffing in our schools, we have consistently said that priority would be given in the first instance to children in disadvantaged schools and those with special needs. We have done this. In line with the Government commitment, mainstream class sizes are also being reduced.

Disadvantaged Status.

234. **Mr. O'Connor** asked the Minister for Education and Science if her officials will be asked to make contact with schools (details supplied) in Dublin 24; the way in which the particular needs of these schools in a disadvantaged RAPID area will be facilitated; and if she will make a statement on the matter. [12641/06]

Minister for Education and Science (Ms Hanafin): DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. This standardised system replaces all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. The process of identifying primary and second-level schools for participation in the new school support programme has been completed.

As a result of the identification process, 840 schools, serving communities with high concentrations of disadvantage, have been invited to participate in the new programme. These comprise 640 primary schools, composed of 320 urban or town schools and 320 rural schools, and 200 second-level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006.

The schools to which the Deputy refers have both accepted an invitation to participate in the first band of the school support programme and my Department will be in contact with the schools on their entitlements to supports under the first phase of SSP shortly.

School Accommodation.

235. **Mr. Wall** asked the Minister for Education and Science the position regarding an application by a school (details supplied) in County Kildare for an extra classroom to facilitate the school's full-time learning support teacher; and if she will make a statement on the matter. [12653/06]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers applied to my Department for the provision of an additional classroom in September 2005. On foot of this application, the school was advised that its needs could be met from within its existing provision. Following an appeal of this decision, the school has been asked to outline why this approach is not possible. The application will be considered further when its response is received.

Disadvantaged Status.

236. **Ms O'Sullivan** asked the Minister for Education and Science the reason she has invited a school (details supplied) in Dublin 11 which has had disadvantaged status since 1994 to participate in the DEIS scheme; and if she will make a statement on the matter. [12660/06]

Minister for Education and Science (Ms Hanafin): DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. This standardised system replaces all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. The process of identifying primary and second-level schools for participation in the new school support programme has been completed.

As a result of the identification process, 840 schools, serving communities with high concentrations of disadvantage, have been invited to participate in the new programme. These comprise 640 primary schools, composed of 320 urban or town schools and 320 rural schools, and 200 second-level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006.

The process of identifying primary and second-level schools for participation in the new school support was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate. In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved.

The analysis of the survey returns from primary schools by the ERC identified the socioeconomic variables that collectively best predict achieve-

ment, and these variables were then used to identify schools for participation in the school support programme. The variables involved were percentage of unemployment, local authority accommodation, lone parenthood, Travellers, large families of five or more children and pupils eligible for free books. The school to which the Deputy refers is not among the 640 primary schools selected for participation in the school support programme. However, this school is among the schools receiving additional resources under pre-existing schemes and programmes for addressing concentrated disadvantage and will retain these supports for 2006-2007. The efficacy of these supports will be kept under review.

As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn. A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the school support programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. This mechanism will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The school to which the Deputy refers has requested a review and a review form was issued to the school on 7 March 2006. The closing date for receipt of review applications is 31 March 2006.

School Enrolments.

237. **Ms O'Sullivan** asked the Minister for Education and Science her views on the practice of English language schools in Ireland charging foreign students for attending secondary schools, including non-fee paying schools here; if these arrangements are in contravention of any laws or regulations; and if she will make a statement on the matter. [12661/06]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science provides for and funds education in primary schools and second-level schools in the free education scheme. Existing policy is that students up to 18 years of age are admitted to schools irrespective of their nationality or status. However, student visas are only allowed in respect of attendance at fee-paying schools. It has recently become apparent that a number of institutions in the language sector are offering "junior high school programmes" offering placement in a second-level school and that there are students

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from non-visa-required countries outside the EU attending such schools in the State sector. As no visas were required, the immigration authorities were not in a position to prevent such entry.

This is not illegal and there are at present no rules which preclude such arrangements. However this is not a process the Government would wish to encourage, either in terms of the guardianship issues which arise, or the potential for additional burden on the State. It should be borne in mind that under the Equal Status Act, schools may not discriminate in their admission policies except where this is necessary to maintain the religious values or ethos of a school. The Act does provide for differential treatment on fees for further and higher education persons who are not nationals of an EU member state. There is no such condition specified in regard to second-level schools. My Department is examining this issue at present in consultation, as appropriate, with the Department of Justice, Equality and Law Reform, to see how best it should be addressed in the future, taking account of equality legislation.

School Transport.

238. **Mr. O'Dowd** asked the Minister for Education and Science if school transport will be provided for persons (details supplied) in County Louth; and if she will make a statement on the matter. [12675/06]

Minister of State at the Department of Education and Science (Miss de Valera): The family referred to the details supplied by the Deputy should apply to Bus Éireann, which operates the school transport services on behalf of my Department.

Higher Education Grants.

239. **Mr. McHugh** asked the Minister for Education and Science if financial assistance by way of increased higher education maintenance grant will be provided to persons (details supplied) in County Galway; and if she will make a statement on the matter. [12676/06]

Minister for Education and Science (Ms Hanafin): Under the means test provisions of my Department's maintenance grant schemes a candidate, other than an independent mature candidate, is assessed on his or her income and the income of his or her parents proper to the previous tax year, that is for the 2005-2006 academic year a candidate's reckonable income for the purpose of the higher education grant scheme is the income proper to the 2004 tax year reckonable income for the year ended 31 December 2004. The decision on eligibility for third level grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except in exceptional cases

where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

There is provision under the schemes of student support for an adverse change in circumstances regarding reckonable income. As per the change in circumstances provision of all four of the Department's maintenance grant schemes, the eligibility of a person may be assessed or reassessed by the grant awarding body in the event of changes in circumstances regarding, *inter alia*, the reckonable income which is likely to be permanent. Where an adverse change in reckonable income occurs, the assessment is based on the current income annualised, as necessary, rather than the actual income for the tax year in question.

My Department has contacted Galway County Council, the awarding body responsible for assessing the grant applications for the students referred to by the Deputy. Galway County Council has confirmed that the candidates referred to were awarded the NA3 rate of maintenance grant plus a grant for the student services charge, €775 in both cases. My Department understands that the candidates have not submitted compelling proof regarding any permanent change in reckonable income. Should such proof be provided by the candidates, Galway County Council will be able to review the grant applications for the current academic year.

School Accommodation.

240. **Mr. O'Dowd** asked the Minister for Education and Science if assistance will be given with the provision of a permanent site for a school (details supplied) in County Louth; and if she will make a statement on the matter. [12677/06]

Minister for Education and Science (Ms Hanafin): The facility referred to by the Deputy is one of a number of facilities, operating on a pilot basis, that use alternative educational methods for teaching children on the autistic spectrum. Generally speaking, where new facilities or schools are established and gain temporary recognition from my Department, the school authorities are responsible for securing interim accommodation. The cost of such temporary accommodation is grant aided by my Department. The question of the acquisition of a site or the provision of permanent accommodation under my Department's capital building programme does not arise until such time as permanent recognition has been secured. This is to ensure that the school is sustainable on a long-term basis before capital is invested. Officials in my Department remain available to discuss any concerns that the authorities of the facility in question may have on existing or future accommodation needs.

School Enrolments.

241. **Mr. Carey** asked the Minister for Education and Science if, in view of the information contained in correspondence (details supplied) from the principal of a school in Dublin 11 concerning the changed profile of the student intake, the supports her Department can make available to address this exceptional situation; and if she will make a statement on the matter. [12678/06]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second-level school management to enable schools to cater for pupils with special educational needs. The supports in question include remedial and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment. There has been enormous progress made over the past number of years on increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At second level, approximately 1,653 whole-time equivalent additional teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole-time equivalent learning support teachers and approximately 1,102 whole-time equivalent special needs assistants, SNAs, in our second-level schools.

The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some pupils are capable of attending ordinary classes on an integrated basis with additional teacher and/or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. Pupils attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

With effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over key functions from my Department regarding special educational provision. The NCSE was formally established as an independent statutory body on 1 October 2005 under the Education for Persons with Special Educational Needs Act 2005. The council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities or special needs.

The NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related support services to children with disabilities or special needs. The responsibilities of the NCSE include deciding on applications for additional

teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant, SNA, hours; and processing applications for school placement in respect of children with disabilities with special education needs.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it. In addition, my Department's teacher education section has developed a strategy designed to meet the continuing professional development needs of personnel working with children with special educational needs. This involves a major expansion of the range of post-graduate professional training programmes available to teachers in the special needs area and the ongoing development of the special education support service, SESS, to support schools staff locally.

The Deputy will be aware that my Department's national educational psychological service, NEPS, provides direct contact and services to children and young adults who need the support of an educational psychologist. NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

A NEPS psychologist is assigned to the school in question and has responsibility for providing psychological services to the school. This psychologist has been attending the school regularly since 2002, is working with the special needs team in the school and is liaising with NEPS colleagues who give psychological service to feeder primary schools all of which should address concerns. My Department will continue to ensure that the necessary resources are made available for the education of children with special needs.

School Accommodation.

242. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the gross overcrowding at a school

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(details supplied) in County Galway; if her attention has further been drawn to the fact that the general practitioner's room had to be used as a classroom; if her attention has further been drawn to the fact that the learning support teacher has to take the class in the local community hall; if her attention has been drawn to the fact that the roof is leaking, the toilets are inadequate, the electric wiring needs to be updated; if her attention has further been drawn to the fact that this school can expect to get an extra teacher in view of the fact that the numbers are likely to increase to as high as 120 in the next year or two; the status of the application for an extension and refurbishment of this school. [12679/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. An assessment of the school's long-term requirements is underway in school planning section of my Department. When this assessment is completed, a decision will then be made on how best to meet the school's current and emerging accommodation needs. The project is being considered in the context of the school building and modernisation programme 2006-2010.

243. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the fact that there are 800 students attending a school (details supplied) in County Sligo which is a college of the National University of Ireland, Galway; when the €13 million will be allocated for the priority work of their development plan for renovation of the food science laboratory phase two provision of additional temporary building, extension to canteen, extension to science laboratory, new car parking, multipurpose facility to accommodate examinations, conferring and reception and teaching facilities as outlined in correspondence; and if she will make a statement on the matter. [12695/06]

Minister for Education and Science (Ms Hanafin): Officials of my Department have arranged to meet shortly with the management authorities of the college in question. All relevant infrastructural issues relating to the college will be discussed at this meeting.

School Enrolments.

244. **Mr. Kehoe** asked the Minister for Education and Science the number of students currently attending a school (details supplied) in County Wexford from outside the catchment area that would have come from other schools; and if she will make a statement on the matter. [12696/06]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is not readily available.

Languages Programme.

245. **Mr. J. O'Keeffe** asked the Minister for Education and Science the position of An Chomhairle Oideachais Gaeltachta agus Gaelscolaíochta with regard to the establishment of the National Education Centre for the Irish Language in Baile Bhuirne as outlined in its most recent submission to her Department; the way in which and when this submission was ratified; if it is recorded in the minutes of the relevant An Chomhairle Oideachais Gaeltachta agus Gaelscolaíochta meetings at which the issue was discussed; if it represents a fundamental change of policy from the publicly stated position of An Chomhairle Oideachais Gaeltachta agus Gaelscolaíochta; the way in which and when her Department became aware of this decision; and if she will make a statement on the matter. [12703/06]

Minister for Education and Science (Ms Hanafin): The recent submission of an chomhairle setting out its views in regard to the National Education Centre for Irish in Baile Bhúirne was submitted by e-mail to my Department on 30 January 2006. In November 2003 an chomhairle had written to my Department highlighting the overlap between the role proposed for the centre and that of an chomhairle, and proposing that, for optimum synergy and benefit, the centre should be managed through the structures of an chomhairle. Questions regarding the minutes of meetings of an chomhairle and the conduct of its business are a matter for that organisation. On the Baile Bhúirne proposal generally, further deliberation and discussions with the relevant interests are needed before a definitive decision on the project can be made. It is intended that these discussions will be completed as quickly as possible.

Departmental Schemes.

246. **Mr. Bruton** asked the Minister for Education and Science if she has schemes through which a plan could be developed to take over a swimming pool which has been an enormous asset to the community, but in which the religious order which own it wish to divest its interest, with the possible participation in that plan of local swimming pool clubs, local schools and the local authority (details supplied). [12760/06]

Minister for Education and Science (Ms Hanafin): There are no plans at present for my Department to contribute towards the cost of developing or taking over swimming pools. The priority is to apply all capital funding allocated to my Department to school and college development. The Deputy may wish to pursue this matter

with the Department of Arts, Sports and Tourism and-or the Department of the Environment, Heritage and Local Government.

Disadvantaged Status.

247. **Ms Shortall** asked the Minister for Education and Science the reason schools applying for disadvantaged designation under DEIS are asked for social welfare details, such as lone parent family rates of pupils attending; when such information could be gleaned from the PPS numbers of children, that being data which is already provided to the Department; the level of co-operation between her Department and the Department of Social and Family Affairs in relation to the exchange of such information; and if she will make a statement on the matter. [12763/06]

Minister for Education and Science (Ms Hanafin): The two key provisions of DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, are for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The process of identifying primary and second-level schools for participation in the new school support was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate. In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of more than 97% was achieved. The future development of pupil-student databases at primary and further education level and the continuing development of the existing post-primary pupils database and student databases in higher education institutions, all using the personal public service, PPS number, will further enhance the identification process for future planning cycles. In particular, the primary pupil database will, when developed, facilitate co-operation with other Departments and agencies, including the Department of Social and Family Affairs, in identifying levels of disadvantage in primary schools. The next identification process will be carried out in the school year 2009-10 to allow time for the phased implementation of the action plan and the process will continue thereafter on a three-year cyclical basis, in line with the proposed three-year planning cycle for schools participating in the school support programme.

248. **Ms Shortall** asked the Minister for Education and Science the reason the number of non-national pupils is not one of the criteria applying to the qualification of schools for the DEIS programme in view of the enormous strain on teach-

ing resources such pupils typically make. [12764/06]

Minister for Education and Science (Ms Hanafin): The needs of children whose first language is not English are met through a separate programme of language support. Under this scheme, there are currently over 800 additional teachers at primary and second level helping children to improve their English language skills. My Department is currently reviewing provision in this area with a view to determining the appropriate educational response to the needs of non-Irish national children, with particular reference to their language needs.

249. **Ms Shortall** asked the Minister for Education and Science the way in which the criteria used to determine qualification for the DEIS programme was arrived at. [12765/06]

Minister for Education and Science (Ms Hanafin): DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. This standardised system replaces all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. The process of identifying primary and second-level schools for participation in the new school support programme has been completed.

As a result of the identification process, 840 schools, serving communities with high concentrations of disadvantage, have been invited to participate in the new programme. These comprise 640 primary schools, composed of 320 urban-town schools and 320 rural schools, and 200 second-level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006.

The school support programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage. The new action plan is being introduced on a phased basis, starting during the current school year. It will involve an additional annual investment of €40 million on full implementation. In addition, supports will continue to be provided for schools where the level of disadvantage is more dispersed. The process of identifying primary and second-level schools for participation in the new school support was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate. In the primary sector the identification process was based on a survey carried out by the ERC in May 2005, from which a response rate of

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more than 97% was achieved. The ERC advised my Department as to which socioeconomic and other variables should be used to identify schools for participation in the school support programme.

School Accommodation.

250. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a school (details supplied) in County Wicklow; her proposals and schedules for this school; and if she will make a statement on the matter. [12766/06]

Minister for Education and Science (Ms Hanafin): The project for permanent accommodation at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on the project is being considered in the context of the school building and modernisation programme from 2006 onwards. In the meantime, I am pleased to inform the Deputy that my Department recently approved the provision of temporary accommodation to meet the schools needs for September 2006.

Departmental Programmes.

251. **Mr. F. McGrath** asked the Minister for Education and Science her views on creating 50 more places for a group (details supplied) in the Coolock area of Dublin; and if the maximum support and assistance will be given with its excellent work. [12767/06]

Minister of State at the Department of Education and Science (Miss de Valera): Youthreach is a programme of education and training targeted at unqualified early school leavers in the 15 to 20 age group. The programme is an integrated response by my Department and the Department of Enterprise, Trade and Employment to address the needs of young people who leave school early with minimal or no qualifications. It is designed to meet the particular educational and training needs of the target group and was initiated in 1989. The programme is delivered in out-of-school centres run by the VECs and by FÁS through their community training workshops, CTWs.

My Department has criteria governing the recognition and funding of Youthreach centres. A district approach is implemented in the allocation of places. It involves consultation with VECs, FÁS, area-based partnerships and other statutory/voluntary training providers in the vicinity on local needs. The district approach ensures, as far as possible, complementarity with the activities of the different agencies and avoids duplication. My Department has received no pro-

posal from City of Dublin VEC to provide any additional Youthreach places in the above area.

School Transport.

252. **Mr. Naughten** asked the Minister for Education and Science if she will secure the retention of a school transport service (details supplied); if she will meet a group of parents representing the pupils in question; and if she will make a statement on the matter. [12768/06]

Minister of State at the Department of Education and Science (Miss de Valera): A report has been received from the transport liaison officer for county Westmeath, outlining the outcome of his recent meeting with a group of concerned parents. When this report has been fully considered, my Department will contact the Deputy directly to outline the position and also to confirm whether it is considered that a meeting with parents would be useful to clarify matters further.

Services for People with Disabilities.

253. **Mr. F. McGrath** asked the Minister for Education and Science if she will increase the resource hours for a person with a disability (details supplied); and if she will make this a priority case as five hours per week is not at all adequate. [12788/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education, NCSE, has been operational since 1 January 2005 and is responsible for processing applications for special educational needs, SEN, supports through its network of special educational needs organisers, SENOs.

The pupil in question is currently in receipt of five hours per week of resource teaching support and I can confirm that this is the maximum number of hours that can be sanctioned by a SENO in line with my Department's criteria for the allocation of resource teaching support for pupils with special educational needs.

School Absenteeism.

254. **Mr. Durkan** asked the Minister for Education and Science the progress that has taken place in the case of two juveniles out of school without permission and if she will make a statement on the matter. [12790/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): The Government is determined to do all that is possible to ensure that all children get all the opportunities and support they need to enable them to complete their education. Measures designed to improve school completion include the establishment of the National Educational Welfare Board

in 2002 with a remit to monitor school attendance, help parents to get a school place for their child and run promotional campaigns on the importance of regular attendance and finishing school.

In areas of disadvantage a key component of the work of the home-school-community liaison co-ordinator is promoting school attendance to parents while the school completion programme fosters the development of strong links between primary and post-primary schools to assist pupils with the transfer to and retention at second level.

This Department also supports youth encounter projects, YEPs, that provide educational facilities to young people who have become alienated from the conventional school system and is promoting increased integration between the work of second level schools and training opportunities, such as Youthreach centres, catering for young early school leavers.

The Deputy's question concerns two young people and their non-attendance at school. In response to a question raised by the Deputy last week, concerning the same issue, I requested the National Educational Welfare Board, NEWB, to respond directly to the Deputy. I have been informed by the NEWB that correspondence has been issued in relation to this matter.

Departmental Staff.

255. **Mr. J. O'Keefe** asked the Minister for Education and Science the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13151/06]

Minister for Education and Science (Ms Hanafin): There was one officer of my Department on suspension with pay as at 31 December 2004 and none on 31 December 2005. The officer concerned was subsequently reinstated, upon completion of the process to deal with the issue.

Such matters are dealt with in accordance the agreed procedures set out in the disciplinary code. As this code places an obligation on the Department to protect the dignity of the employee concerned, the Deputy will appreciate that I am not in a position to provide any further details.

256. **Mr. J. O'Keefe** asked the Minister for Defence the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13152/06]

Minister for Defence (Mr. O'Dea): There were no employees of this Department on suspension with pay as of 31 December 2004 and 31 December 2005.

Architectural Heritage.

257. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government if the necessary funding will be provided to enable the ground chamber of Carrigafoyle Castle, Ballylongford, County Kerry, to be fully restored; and if he will make a statement on the matter. [12770/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A scheme of conservation and structural consolidation works has been carried out at Carrigafoyle Castle. This cost €850,000, which was spent over the period 2001 to 2005. These works have facilitated safe public access and enhanced the visitor experience. Further restoration of the castle is not envisaged at this stage.

House Prices.

258. **Mr. Bruton** asked the Minister for the Environment, Heritage and Local Government his assessment of trends in the housing market. [12757/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A new record of almost 81,000 housing completions was achieved in 2005, almost two and a half times the 1996 level, continuing a strong performance in housing output over the past decade. The very large increase in housing output has also helped to restrain house price increases in the face of growing demand and increased mortgage lending. On the other hand, some macro-economic commentators now express concern at the significantly increased level of dependence of the Irish economy on the housing sector.

The Government will continue to prioritise effective action to maintain current high levels of supply in the housing market. In particular, the Government will accelerate measures to assist those who cannot access affordable housing without assistance. It is now proposed that 15,000 units of affordable housing will be delivered in the three-year period 2006 to 2008. This represents a doubling of the rate of output of affordable housing over the past three years and will significantly increase the supply of affordable homes and make an important contribution to addressing affordability problems.

Significantly increased output of affordable housing is likely to come on stream this year, particularly through Part V and the affordable housing initiative, and will continue progressively through the three-year period. We will also be streamlining the affordable housing schemes and in the meantime, eligibility and subsidy levels under the various schemes were increased in January 2006.

Legislative Programme.

259. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the number of sections of the Local Government Act 2001 which have not been enacted; the timetable for their enactment; and if he will make a statement on the matter. [12607/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 modernises the legislative framework, supports community involvement with local authorities in a more participative local democracy and underpins generally the programme of local government renewal. The Act is being brought into operation on a phased basis; 199 of its 247 sections have been commenced. I am currently considering the steps necessary to commence the remaining provisions, a number of which are enabling provisions which will replace legislation currently in force.

Water and Sewerage Schemes.

260. **Mr. Ardagh** asked the Minister for the Environment, Heritage and Local Government if he will ensure that the Liffey catchment area is incorporated into the study for the greater Dublin strategic drainage system, as the safe development of Chapelizod depends on this study (details supplied). [12609/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The greater Dublin strategic drainage study was undertaken by Dublin City Council on behalf of the Dublin area local authorities. The study, which was completed in 2005 with funding from my Department's water services investment programme, included the Liffey catchment.

The study is a high-level strategic assessment of regional waste water requirements. The selection of individual infrastructural schemes for inclusion in my Department's water services investment programme is also informed by local authority assessments of needs that identify and prioritise individual project proposals. My Department has recently asked all local authorities to undertake new assessments of needs in 2006 as an input to future project selection under the water services investment programme. I anticipate that the recommendations of the greater Dublin strategic drainage study will be taken into account by the relevant local authorities.

Road Network.

261. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the plans in place to widen the four bridges on the main Milford and Carrigart road R247

(details supplied); and the timeframes which are in place for the work to be carried out. [12611/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume the question refers to the R245, the Milford to Carrigart road. The provision and improvement of non-national roads in County Donegal is a matter for Donegal County Council to be funded from its own resources supplemented by State grants provided by my Department.

In August last year, my Department sought applications from road authorities for funding under the 2006 EU co-financed specific improvements grant scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for road authorities. Donegal County Council submitted a number of applications but these did not include applications for works on the bridges on the R245 Milford to Carrigart road referred to in the question. My Department will again be seeking applications under the EU co-financed specific improvements grant scheme later this year and it will, of course, be open to the council to submit applications for consideration for funding under this scheme in 2007.

Local authorities may also use their discretionary improvement grant allocations from my Department to fund eligible road and bridge improvement schemes. The 2006 discretionary improvement grant allocation to Donegal County Council is €1,642,000, which is an increase of 7% on the initial 2005 discretionary improvement grant allocation to the council. The selection of works to be funded from this allocation is entirely a matter for the council.

Election Management System.

262. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government the serial number of each of the electronic voting machines owned by the State; the location of each of these machines; the past movements of each machine; if this information will be made available to Deputies in electronic format as well as on Dáil Éireann record; the details of these machines which have been damaged, repaired or destroyed; the number of machines purchased by the State; the number currently in the possession of the State; his plans to scrap or recycle these machines; and if he will make a statement on the matter. [12612/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A programme of further assessment, testing and validation of the electronic voting and counting system is underway to address issues raised by the Commission on Electronic Voting and demonstrate

that the system operates reliably, securely and accurately. The timing of the further use of the system is dependent on the progress made with this work and the ongoing work of the Commission on Electronic Voting, the associated decisions arising in this regard, and the dates at which future polls may be held.

A total of 7,504 voting machines has been purchased and information in relation to the location of the machines is set out in the following table. In the interests of the security and integrity of the electoral process, it is not appropriate to make available the further detailed information referred to in the question.

Constituency	No. of Voting Machines	Location of Storage Premises
Carlow	115	Mortarstown
Kilkenny	135	
Cavan	148	Monaghan Town
Monaghan	140	
Clare	200	Ennis
Cork County	425	Togher
Cork City	505	Ballygarvan
Donegal	295	Letterkenny
Dublin City	777	Ballycoolin
Dublin County	768	Finglas
Galway	310	Galway City
Kerry	310	Tralea
Kildare	275	Clane
Laois	100	Portlaoise
Offaly	120	
Limerick	335	Limerick City
Longford	90	Longford Town
Roscommon	142	Roscommon Town
Louth	180	Dundalk
Mayo	370	Castlebar
Meath	265	Navan
Sligo	130	Sligo Town
Leitrim	100	Carrick-on-Shannon
Tipperary North and South	408	Clonmel
Waterford	195	Waterford City
Westmeath	175	Mullingar
Wexford	240	Drinagh
Wicklow	245	Kilcoole
DoEHLG	6	Custom House, Dublin
Total	7,504	

Water and Sewerage Schemes.

263. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he will approve to the planning stage budget the submission made by Limerick County Council in

relation to the Dromcollogher sewerage scheme. [12613/06]

264. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government if he will approve to the planning stage budget the submission made by Limerick County Council in relation to the Bruff sewerage scheme. [12614/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 263 and 264 together.

The Dromcollogher and Bruff sewerage schemes, which are being advanced as part of a grouped project, have been approved to advance through planning in my Department's water services investment programme 2005-07.

In June 2005, I approved Limerick County Council's brief for the appointment of consultants to prepare a preliminary report for the grouped project. The council's proposals in relation to the consultants' fees and planning stage budget for the scheme were received in my Department earlier this month and are being dealt with as quickly as possible.

Housing Grants.

265. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if the essential repairs grant is available to elderly couples where only one person is over 65 years of age and their dependent spouse is under the age of 65 years; if the scheme is confined to people over the age of 65 years or if it is open for applications from elderly people with the term elderly not being specifically defined; and if he will make a statement on the matter. [12642/06]

266. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the qualifying criteria set by his Department for the essential repairs grant administered by local authorities; if the criteria are applied identically in all local authority areas; and if he will make a statement on the matter. [12643/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 265 and 266 together.

The regulations governing the essential repairs grant scheme, which is operated by local authorities, do not specify an age qualification. The scheme is designed to enable elderly people whose houses cannot be made habitable in all respects at a reasonable cost to have basic repairs carried out. In determining priority as between grant applicants, local authorities would have regard to relative means and needs and they generally restrict payment of essential repairs grants

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to elderly persons. The administration of the scheme in individual cases is a matter for the local authority concerned within the framework laid down in the regulations, which as far as is practicable, is designed to give an appropriate degree of flexibility to authorities at local level.

Persons who do not qualify for assistance under the essential repairs grant scheme may be eligible for assistance under the housing aid for the elderly scheme, operated by the Health Service Executive, or under the scheme of improvement works in lieu of local authority housing. Full details on these options, including application procedures, can be obtained from local authorities.

Turbary Rights.

267. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the reason proceeds of a sale of bog contained in a special area of conservation has not been awarded to a person (details supplied) in County Galway; the state of the sale; and if he will make a statement on the matter. [12665/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The original offer to purchase this land, subject to contract, was made to the person named on 5 April 2005. The vendor then decided to sell turbary rights rather than the freehold title and a revised offer was made on this basis on 5 July 2005. However, a contract for sale on this basis has yet to be submitted to the Office of the Chief State Solicitor's by the solicitor acting for the person named.

Register of Electors.

268. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will commission An Post to deliver a blank electoral registration form to each house in the State for completion and return to the local authority within three weeks, which would be part of a national campaign to encourage voters to register. [12693/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In law, the preparation of the register of electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the register. Their work in this area includes the carrying out of house-to-house enquiries, delivery of registration forms and running local awareness campaigns.

I share the concerns that have been expressed on the quality of the register. The Department of the Environment, Heritage and Local Government wrote to registration authorities on 14 July

2005 and requested them to take all necessary steps to secure significant improvement in the quality of the register. A national awareness campaign was conducted in November 2005 associated with the work on preparation of the register underway at that stage. Also in November 2005, the Department of the Environment, Heritage and Local Government completed work on new and updated guidance for registration authorities on preparing and maintaining the register. The aim of the guidance is to secure significant improvement in the accuracy and comprehensiveness of the register by setting out clearly the legal requirements in this complex area, and identifying best practice for registration authorities in their work on the register.

The draft guidance has been circulated for comment to all registration authorities and returning officers and to the Oireachtas Joint Committee on the Environment and Local Government, which discussed the guidance in December 2005. Following this consultation process, the Department of the Environment, Heritage and Local Government is now finalising the guidance. However, in view of the importance of securing improvements in the register, registration authorities have also been asked to proceed to implement the draft guidance with immediate effect. While the guidance does not envisage action on the lines referred to in the question, I will continue to keep these important issues under close review.

Grant Payments.

269. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government the concession or grant aid which is available from his Department for persons whose private dwelling house roof needs to be disposed of and replaced. [12707/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): No such grants are available from the Department of the Environment, Heritage and Local Government.

Waste Management.

270. **Mr. Quinn** asked the Minister for the Environment, Heritage and Local Government if he treats or proposes to treat solid waste landfill sites as carbon sinks and to take credit for the carbon stored in them, notwithstanding that atmospheric carbon is not extracted and sequestered in landfill and that both carbon dioxide and methane are emitted by such sites; the information he has or proposes to gather as to the role of landfill sites in the net reduction of greenhouse gases, account being taken of such emissions; his response to research indicating that the carbon storage associated with landfills could be of a magnitude as to cause them to be considered net

carbon sinks with respect to greenhouse gas emissions; and if he will make a statement on the matter. [12716/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Accounting for sequestered carbon in national inventories of greenhouse gas emissions must follow guidelines provided by Intergovernmental Panel on Climate Change. At present, neither the Environmental Protection Agency, which is responsible for Ireland's national inventory, nor other EU national administrations treat landfill sites as carbon sinks in this context. However, I expect that the EPA will keep abreast of any EU and wider international developments on carbon contained in solid waste landfills and if necessary adjust our accounting practice.

Election Management System.

271. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of Department staff who are engaged on an ongoing basis on the e-voting project; and if he will make a statement on the matter. [12720/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The franchise section in the Department of the Environment, Heritage and Local Government is responsible for a range of matters relating to the electoral system, including the relevant legislative codes; the provision of advice and guidance to registration authorities and returning officers, including relating to the register of electors; implementation of the electronic voting and counting system; the servicing of the Constituency Commission as required; and the provision of electoral information to the public. At present, three staff in the section work on, *inter alia*, matters relating to the electronic voting and counting system.

Consultancy Contracts.

272. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of external consultants who have to date been retained on the e-voting project; the costs to date and projected future costs of any consultants; and if he will make a statement on the matter. [12721/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Since 2000, 14 organisations have been engaged by the Department of the Environment, Heritage and Local Government to undertake consultancy work relating to the electronic voting and counting system, including assessment and testing of the system, and awareness and education activities. The cost of this work is €3.55 million. There are

no specific proposals for further consultancy work at this stage, pending completion of the work being undertaken by the Department of the Environment, Heritage and Local Government and the Commission on Electronic Voting regarding the system and the associated decisions arising in this regard.

Social and Affordable Housing.

273. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the number and location of affordable houses provided or to be provided in County Kildare on foot of development in hand or concluded; if in all such developments affordable housing is being provided in accordance with the regulations and Planning Acts; and if he will make a statement on the matter. [12722/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The figures supplied by Kildare County Council to the Department of the Environment, Heritage and Local Government indicate that up to the end of 2005, a total of 778 units have been provided through the various affordable housing schemes. This comprises 683 under the shared ownership scheme, 52 under the 1999 affordable housing scheme and 43 under Part V.

Regarding future activity, 171 approvals in principle have issued under the shared ownership scheme with 19 units in progress. A further 53 units are proposed under the 1999 affordable housing scheme with 54 units in progress. Some 124 units are proposed under Part V of the Planning and Development Acts 2000 to 2004.

Information on all of the individual locations of affordable houses is not compiled by the Department of the Environment, Heritage and Local Government. However, information on the location of houses which received subsidy under the 1999 affordable housing scheme is set out in the following table.

Year	Location	No. of Units
2004	Caragh Road, Naas	52

I am not aware of any instances where affordable housing is not provided in accordance with the relevant legislation.

Local Authority Staff.

274. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the procedures whereby local authority officials are permitted or encouraged to attend political meetings in official capacity after normal business hours; when it was decided to allow such practices; if this is in accordance with their terms of

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employment with particular reference to the need to preserve the apolitical status of the public service; and if he will make a statement on the matter. [12723/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The conditions of employment of local authority employees are matters for the local authority in accordance with section 158 of the Local Government Act 2001. In the performance of their duties, local authority employees must have regard to and be guided by the Code of Conduct for Employees published in June 2004 which is an integral part of the ethical framework for the local government service.

Social and Affordable Housing.

275. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the conditions under which building sites are allocated to Respond; the cost to the taxpayer and the price paid by Respond; the conditions under which capital funding is provided for the construction of housing units; the extent to which the public sector has control over the enterprise thereafter; and if he will make a statement on the matter. [12724/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the low-cost sites scheme local authorities can provide sites to approved voluntary, co-operative and other non-profit housing groups to construct houses. The level of low-cost site subsidy provided by the Department of the Environment, Heritage and Local Government to a local authority under the low-cost site scheme varies from location to location depending on factors including the acquisition and development costs of the sites. The price at which the local authority intends to sell such sites to voluntary groups is a matter to be determined by individual local authorities.

Capital funding is available to approved voluntary housing bodies through two separate funding schemes, the capital assistance scheme which addresses the special housing needs of persons such as the elderly, disabled, homeless and elderly returning emigrants and the capital loan and subsidy scheme which provides housing for families in need. The Department's involvement relates primarily to the provision of funds for individual projects. The administration of the schemes and the certification that particular projects comply with the terms of the schemes are the responsibility of the appropriate local authority, which also ensures continuing compliance with the conditions of the schemes on an ongoing basis in each project within its area.

Local Authority Housing.

276. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the basis on which estate management companies are authorised to charge exorbitant fees in local authority housing estates for work which the local authorities have primary responsibility; and if he will make a statement on the matter. [12725/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The management and maintenance of their rented dwellings is the responsibility of the housing authority concerned. While local authorities are empowered to make arrangements, including for the charging of fees relating to the management and control of their dwellings, I am not aware of authorities engaging estate management companies to provide services in local authority housing estates.

In some cases authorities may acquire properties in a private estate for letting where a management company may already be in place. In such cases, as indicated in reply to Parliamentary Question No. 682 of 15 November 2005, the intention of the Oireachtas, as set out in section 14 of the Housing (Miscellaneous Provisions) Act 2002, is that housing authorities should be permitted to take account, in the determination of rents or other payments from tenants, of costs incurred by the housing authority for insurance or any management services provided to the dwelling. However, the degree of any impact on rents would also depend on the operation of the differential rents scheme in the local authority area concerned. A Law Reform Commission working group is examining a range of legal issues relating to management of multi-unit structures. The Government will consider any recommendations the final report makes including the necessity for new legislation in this area.

Local Authority Staff.

277. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the commitments given by him to the Houses of the Oireachtas during the passage of the legislation to abolish the dual mandate are being observed in the spirit and the letter by the various local authorities; if his attention has been drawn to the fact that some local authorities are ignoring his commitments; and if he will make a statement on the matter. [12726/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As indicated in reply to Parliamentary Question No. 225 of 8 March 2006, the Department of the Environment, Heritage and Local Government is gathering information from local authorities on the practical application of the arrangements for the supply

of specified information to Oireachtas Members under the Local Government Act 2001 (Section 237A) Regulations 2003. Based on the information received so far, I understand that local authorities are, for the most part, complying with these arrangements. However, when the review is complete, I intend to issue any necessary supplementary guidance to local authorities taking account of their responses.

Planning Issues.

278. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the revised planning guidelines issued by his Department are being observed by the local authorities; and if he will make a statement on the matter. [12727/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume the question refers to the Guidelines for Planning Authorities on Sustainable Rural Housing which came into effect on 13 April 2005. These guidelines provide that reasonable proposals on suitable sites in rural areas for persons who are part of, contribute to or have links with the rural community should be accommodated. The guidelines thus affirm a presumption in favour of quality one-off housing for rural communities, provided proposals meet normal standards in relation to matters such as the proper wastewater disposal and road safety. Following the publication of the guidelines, planning authorities were asked to review their development plans with a view to incorporating any changes necessary to ensure that development plan policies are consistent with the policies set out in the guidelines.

The Department of the Environment, Heritage and Local Government held two seminars last year for local authority planning officials on the implementation of the guidelines. The seminars dealt with the overall objectives of the guidelines and provided practical advice on the implementation of their core provisions, including preparation of development plan policies, providing better support and advice to applicants and more efficient and comprehensive consideration of planning applications.

In September 2005, the Department of the Environment, Heritage and Local Government also held discussions on implementation of the guidelines with the planning committee of the County and City Managers Association. These discussions focused on the need to embed regard for the guidelines, as required by section 28 of the Planning and Development Act 2000, in the performance by local authorities of their relevant functions that is in making or reviewing their development plans, in providing planning services to applicants or potential applicants and in deciding on planning applications. County managers

have also been asked to report on the measures taken to date to implement the guidelines and on their impact. The indications from reports received to date are that planning authorities have already considered any necessary changes to their development plans in order to give full effect to the guidelines. Reports from county managers will be repeated periodically. I intend to continue closely monitoring the effectiveness of the guidelines.

279. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the policies of local authorities, as supplied to him, regarding management companies; and if he will make a statement on the matter. [12782/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Following a request for information from the Department of the Environment, Heritage and Local Government, I understand that the majority of planning authorities do not attach conditions to planning permissions requiring management companies to be set up in the case of housing estates. However, a number avail of the powers provided to them under planning legislation to attach such conditions; they do this in specified circumstances, for example, where there is a shared wastewater treatment plant between a number of houses.

Tax Yield.

280. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount collected by local authorities in commercial rates in 2004 and 2005; the rate at which these payments were made during the same years; and if he will make a statement on the matter. [12783/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Based on data supplied to the Department of the Environment, Heritage and Local Government by local authorities, income from commercial rates is estimated to amount to €908 million in 2004 and €1 billion in 2005.

Rates are legally payable in two moieties; the first moiety and arrears are payable on the date of the making of the rate and the second moiety is payable on 1 July. Within this framework, it is also possible for arrangements to be agreed for payment of rates in instalments. The timing of the payment of rates to individual rating authorities may therefore be influenced by a number of factors, including the timing of the making of the rate, any instalment arrangements entered into with ratepayers, and the level of recovery of rates from defaulting ratepayers.

281. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount collected by each local authority in the form of development levies in 2005; and if he will make a statement on the matter. [12784/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following table, which is based on information supplied by planning authorities, sets out the estimated development contributions collected by local authorities in 2005.

	Development Contributions 2005
	€
<i>County Council</i>	
Carlow	3,826,306
Cavan	2,571,730
Clare	6,064,000
Cork	38,739,433
Donegal	4,998,423
Dún Laoghaire-Rathdown	23,000,000
Fingal	50,780,348
Galway	12,354,285
Kerry	7,100,000
Kildare	18,000,000
Kilkenny	10,900,000
Laois	12,907,000
Leitrim	217,495
Limerick	12,675,000
Longford	2,845,302
Louth	19,500,000
Mayo	13,531,000
Meath	38,000,000
Monaghan	2,608,157
North Tipperary	3,653,190
Offaly	3,786,399
Roscommon	6,389,417
Sligo	2,391,151
South Dublin	31,566,815
South Tipperary	3,045,000
Waterford	3,322,730
Westmeath	6,150,000
Wexford	30,000,000
Wicklow	31,413,167
Total Counties	402,336,348
<i>City Council</i>	
Cork	11,043,400
Dublin	58,403,217
Galway	5,400,000
Limerick	7,687,886
Waterford	6,450,605
Total Cities	88,985,108

	Development Contributions 2005
	€
<i>Town Council</i>	
Arklow	95,000
Athlone	2,188,049
Athy	1,620,462
Ballina	1,674,223
Ballinasloe	299,475
Birr	275,817
Bray	1,389,753
Buncrana	n/s
Bundoran	116,227
Carlow	1,152,920
Carrickmacross	1,299,670
Carrick-on-suir	300,000
Cashel	385,000
Castlebar	3,465,781
Castleblayney	1,414,838
Cavan	334,240
Clonakilty	n/s
Clones	251,921
Clonmel	117,700
Cobh	n/s
Drogheda	280,295
Dundalk	5,807,387
Dungarvan	1,721,571
Ennis	2,380,659
Enniscorthy	155,448
Fermoy	n/s
Kells	98,346
Kilkenny	264,127
Killarney	3,309,191
Kilrush	194,428
Kinsale	n/s
Letterkenny	306,000
Listowel	262,605
Longford	729,010
Macroom	n/s
Mallow	n/s
Midleton	n/s
Monaghan	3,151,319
Naas	600,000
Navan	1,708,331
Nenagh	2,323,889
New Ross	1,500,000
Skibbereen	n/s
Sligo	208,795
Templemore	106,066
Thurles	830,129
Tipperary	320,000
Tralee	1,433,427
Trim	323,511
Tullamore	1,135,377

	Development Contributions 2005
	€
Westport	372,045
Wexford	469,063
Wicklow	482,256
Youghal	n/s
Total Towns	54,692,623
Overall Total	546,014,079

n/s: Not Supplied.

282. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount of motor tax collected by each local authority in the years 2004 and 2005; and if he will make a statement on the matter. [12785/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The amount of motor tax collected by each local authority, including on-line by the Department of the Environment, Heritage and Local Government, in the years 2004 and 2005 is set out in the following table.

Motor Tax Receipts (including on-line)

	2005	2004
Carlow	9,577,446	9,402,684
Cavan	10,925,797	10,906,522
Clare	18,764,979	18,297,206
Cork	75,681,713	78,414,745
Donegal	23,283,121	22,327,970
Galway	35,296,681	34,681,775
Kerry	22,903,422	23,138,196
Kildare	27,319,360	28,599,476
Kilkenny	14,447,027	14,622,592
Laois	10,956,887	10,746,912
Leitrim	4,862,364	4,791,631
Limerick Co	21,856,230	21,843,480
Longford	5,976,239	5,850,989
Louth	15,631,421	15,637,852
Mayo	20,002,308	19,905,815
Meath	26,632,321	26,160,983
Monaghan	10,376,392	10,308,018
Offaly	11,385,231	11,155,395
Roscommon	10,390,089	10,024,417
Sligo	9,887,747	9,937,089
N. Tipperary	11,884,832	11,833,302
S. Tipperary	15,207,443	15,085,443
Waterford Co	10,142,982	9,939,460
Westmeath	12,711,338	12,712,499
Wexford	23,853,757	23,428,248
Wicklow	19,413,820	19,909,530
Dublin City	141,456,983	153,777,447

	2005	2004
Limerick City	6,425,748	6,460,482
Waterford City	7,044,134	7,117,909
On-line	168,068,030	100,238,775
Total	802,365,839	747,256,842

Rental Accommodation Scheme.

283. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position on the Residential Tenancy Act 2004 whereby local authorities are to take over the rental accommodation scheme for people in rented accommodation for more than 18 months; if landlords of health board tenants do not wish to be part of this scheme they can opt out; the position regarding disabled people or old age pensioners who are in receipt of a rent allowance and are in suitable accommodation for their needs but their landlords do not want to take part in the scheme; if there will be exemptions in their case; and if he will make a statement on the matter. [12792/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the rental accommodation scheme, RAS, local authorities will enter into arrangements with private landlords to provide accommodation to certain persons in receipt of rent supplement who are deemed by the local authority to have a long-term housing need. All private rented tenancies under the RAS will continue to be governed by the Residential Tenancies Act 2004.

Landlords are not obliged to participate in the scheme. Local authorities will seek to secure alternative suitable accommodation for tenants whose landlords do not wish to participate. In the meantime eligible RAS households will continue to be in receipt of rent supplement. Where prospective RAS households are offered accommodation they can refuse it. However, if a tenant refuses three offers of housing within a set period of 18 months, it could affect his or her entitlement to rent supplement for a period of 12 months. Subject to these conditions the local authority has discretion under the scheme to take into account the particular circumstances of individual cases.

Departmental Staff.

284. **Mr. J. O'Keefe** asked the Minister for the Environment, Heritage and Local Government the number of State employees on suspension with pay as on 31 December 2004 and 31 December 2005; and the details of same. [13153/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 31 December 2004 no employees in the Department

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of the Environment, Heritage and Local Government were on suspension with pay. At 31 December 2005 one employee was on suspension

without pay. However, this employee is in receipt of part payment of salary to alleviate hardship pending a continued investigation under the disciplinary code.